EXTRAORDINARY ISSUE

REGISTERED No. L. 91

The Punjab Gazette

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LAHORE, SATURDAY, AUGUST 2 1947

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 2nd August 1947

No. 484-Leg.—The following Act of the Governor under section 93 of the Government of India Act, 1935, received the assent of the Governor-General on 31st July 1947, and is hereby published for general information :—

PUNJAB ACT No. XVI OF 1947

An Act to provide for punishment of unlawful cultivation of land and ejectment of trespassers therefrom

WHEREAS, the Governor of the Punjab has by a proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Punjab Land Trespass (Emergency Provisions) Act, 1947.

(*2*) It extends in the first instance to the District of Gurgaon ; and the Provincial Government may by notification extend its provisions to any other district of the Punjab Province or any part thereof specified in the notification.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) " land " means land as defined in clause (1) of section 4 of the Punjab Tenancy Act, 1887 ; and

(*b*) " cultivation " includes any agricultural operation, and " cultivate " shall be construed accordingly.

Punishment for unlawful cultivation.

3. Whoever unlawfully cultivates or attempts to cultivate land belonging to another shall be punishable with imprisonment of either description for a term which may extend to two years or with fine or with both.

Assessment of fine.

4. In determining the amount of any fine to be imposed under the last preceding section, the Court shall take into consideration—

(*a*) the value of any benefit derived by the accused from his act ; and

(*b*) the damage, if any, done to the land.

Fine to be awarded as compensation.

5. (*1*) Whenever a Court imposes a fine under section 3, the Court shall, when passing judgment, order such portion of the fine recovered as will be sufficient to cover the amount of loss or injury caused by the offence, to be applied in the payment of compensation to the person suffering the loss or injury.

(*2*) If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or if an appeal is presented, before the decision of the appeal.

Power to restore possession of land and appoint receiver thereof.

6. (*1*) Whenever a person is convicted of an offence under section 3, the Court shall when convicting such person order the person who appears to it to be entitled to the possession of the land to which the offence relates, to be put in possession thereof along with such uncut crop as may be standing thereon or such cut crop as may be lying thereon.

(2) (i) If the person entitled to the possession of such land any uncut or cut crops is absent the Court shall direct the crop to be sold and retain the proceeds thereof for the benefit of such person, and may appoint a receiver of the land.

(ii) The provision of Order XL of the First Schedule to the Code of Civil Procedure, 1908, shall apply, as far as may be, to the appointment, remuneration, powers and duties of such receiver :

Provided that—

(a) a receiver so appointed shall not lease or otherwise temporaily transfer the land for cultivation except for cash to be taken in advance nor for more than one harvest at a time, and

(b) the person entitled to the possession of the land shall on application to the Court be entitled to take possession of the land on payment of such compensation, if any, as the Court may in each case determine.

(3) An order under subsection (2) shall not prejudice any right or interest to or in such land which any person may be able to establish in a civil suit.

Power of superior Court to make orders under sections 5 and 6.

7. An order under section 5 or section 6 may be made by any Court of appeal, reference or revision.

Offences to be triable summarily by all Magistrates.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any Magistrate or Bench of Magistrates competent to try an offence under section 3 may if he or they think fit try any such offence in a summary way.

Offence under section 3 to be cognisable and non-bailable.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under section 3 of this Act shall be cognisable and non-bailable.

Savings.

10. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other enactment for the time being in force.

S. B. CAPOOR

Additional Secretary to Government, Punjab
Legislative Department

DEPARTMENT OF REVENUE

NOTIFICATION

The 2nd August 1947

No. 1096-R.—The following statement in respect of the Punjab Land Trespass (Emergency Power Act, 1947, is hereby published for general information :—

STATEMENT

Very serious and widespread disorders have taken place in Gurgaon District where a large number of villages have been completely burnt, as a result of which there has been widespread evacuation of the local population from such villages, while other villages have also been evacuated from fear. It has been found in many cases that the fields of villages which have been evacuated are being unlawfully cultivated by men of neighbouring villages, and this usurpation of rights has been complicated by the fact that in all such cases the usurpers belong to a different community. The existing Civil, Criminal and Revenue Law is inadequate to deal with this situation, since the procedure is lengthy and in the case of Criminal Law the punishments are inadequate. The absence of a speedy remedy for such a situation is hampering peaceful resettlement of the evacuees in their own villages. Provision has, therefore, been made to provide substantial punishment for such trespass and a summary procedure has been precribed. Powers have also been taken to arrange for the cultivation of land when the actual owners are difficult to trace and for payment of compensation in cases in which usurpers have derived illicit profit from cultivation or have damaged the land.

The Act applies in the first instance only to Gurgaon District but can be extended to other Districts should similar conditions occur elsewhere.

RAM CHANDRA

Secretary to Government, Punjab
Revenue Department

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 2nd of August 1947

No. 485-Leg.—The following Act of the Governor under section 93 of the Government of India Act, 1935, is hereby published for general information :—

PUNJAB ACT No. XVII OF 1947

An Act

to provide temporarily for the requisitioning and acquisition of immovable property

WHEREAS, the Governor of the Punjab has by a proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the powers so assumed to himself the Governor is pleased to enact as follows :—

Short title, extent and commencement

1. (1) This Act may be called the Punjab Requisitioning of Immovable Property (Temporary Powers) Act, 1947.

(2) It extends to the whole of the Province of the Punjab.

(3) It shall come into force at once.

Requisitioning of property

2. (1) If in the opinion of the Provincia Government it is necessary or expedient so to do, the Provincial Government may by order in writing requisition any immovable property and may make such further orders as appear to it to be necessary or expedient in connection with the requisitioning ;

Provided that no property used for the purpose of religious worship and no property situated in a Cantonment within the meaning of the Cantonments Act, 1924, shall be requisitioned under this Act.

II of 1924.

(2) Where the Provincial Government has requisitioned any property under sub-section (1), it may use or deal with the property in such manner as may appear to it to be expedient.

Power to acquire requisitioned property.

3. (1) The Provincial Government may at any time acquire any immovable property requisitioned by it under the last preceding section by publishing in the Official Gazette a notice to the effect that Government have decided to acquire such property in pursuance of this section.

(2) When a notice as aforesaid is published in the Official Gazette, the requisitioned property shall on and from the beginning of the day on which the notice is so published vest absolutely in the Provincial Government free from all incumbrances and the period of requisition of such property shall end

Release from requisition.

4. (1) Where any property requisitioned under section 2 is to be released from requisition, the Provincial Government may after making such inquiry, if any, as it considers necessary, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the property to the person specified in an order made under sub-section (1) shall be a full discharge of the Government from all liability in respect of such delivery but shall not prejudice any rights in respect of the property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is so delivered.

(3) Where the person to whom possession of any property is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Government shall cause a notice declaring that the property is released from requisitioning to be published in the Official Gazette and to be affixed on some conspicuous part of the property.

(4) When a notice referred to under sub-section (3) is published in the Official Gazette, the property specified in the notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to the possession thereof, and the Government shall not be liable for any compensation or other claim in respect of the property for any period after the said date.

Compensation to be paid in accordance with certain principles.

5. (1) Where any immovable property is requisitioned or acquired under this Act, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say—

(*a*) Where the amount of compensation can be fixed by agreement it shall be paid in accordance with such agreement.

(b) Where no such agreement can be reached, the Provincial Government shall appoint as arbitrator a person qualified under subsection (3) of section 220 of the Government of India Act, 1935, for appointment as a Judge of a High Court

(c) The Provincial Government may in any particular case nominate a person having expert knowledge as to the nature of the property requisitioned or acquired to assist the arbitrator and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose.

(d) At the commencement of the proceedings before the arbitrator the Provincial Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation.

(e) The arbitrator in making his award shall have regard to the provisions of subsection (1) of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable. *I of 1894*

(f) An appeal shall lie to the High Court against an award of an arbitrator except in cases where the amount thereof does not exceed the amount prescribed in this behalf by rule made by the Provincial Government.

(g) Save as provided in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitration under this section.

(2) The Provincial Government may make rules for the purpose of carrying into effect the provisions of this section.

(3) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the procedure to be followed in arbitrations under this section,

(b) the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal,

(c) the maximum amount of an award against which no appeal shall lie.

Power to obtain information.

6. (1) The Provincial Government may with a view to carrying out the purposes of sections 3 to 5, by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to any immovable property as may be so specified.

(2) If any person fails to furnish any information required by order under subsection (1) or furnishes any information which is false and which he either knows or has reasonable cause to believe to be false or does not believe to be true he shall be punishable with imprisonment with a term which may extend to one year or with fine or with both.

Power to give effect to orders.

7. The Provincial Government may take or cause to be taken such steps and use or cause to be used such force as may in the opinion of that Government be reasonably necessary for securing compliance with any order made by it under this Act.

Delegation of functions.

8. The Provincial Government may by order notified in the official Gazette, direct that any power conferred or any duty imposed on it by this Act shall in such circumstances and under such conditions, if any, as may be specified in the direction be exercised or discharged by such officer as may be so specified.

Protection of action under this Act.

9. (1) No suit, prosecution or other legal proceedings shall lie against any person or anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

(2) Save as otherwise expressly provided under this Act no suit or other legal proceedings shall lie against the Crown for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

S. B. CAPOOR

Additional Secretary to Government, Punjab

Legislative Department.

HOME DEPARTMENT

MILITARY

NOTIFICATION

Dated the 2nd August 1947

No. 5505-HM-47/44824—The following statement in respect of the Punjab Requisitioning of Immoveable Property (Temporary Powers) Act, 1947, is hereby published for general information :—

STATEMENT

As a result of the partition of the Province, it is essential that one or other of the new Governments should establish its Secretariat and the headquarters offices of its principal Departments outside Lahore. On the notional boundary and in accordance with the agreement so far reached, arrangements have to be made for the Government of East Punjab to move to Simla. The number of officers, clerks and subordinates involved is so great that it is impossible to accommodate all of them in Simla without powers of requisition, and indeed even with these powers it would be impossible to accommodate all in Simla and some offices will have to move to other towns in East Punjab where too accommodation will not be secured without requisitioning powers.

The Government of West Punjab will also require requisitioning powers, even if the award of the Boundary Commission leaves it in possession of Lahore, since the possibility of locating in Lahore various offices of the Pakistan Dominion is under consideration, and accommodation in Lahore is already inadequate. The needs of the Government of East Punjab are the more urgent and must be met in part at least before 15th August. The present Act is, therefore, merely an enabling Act for the temporary purposes of the two new Governments.

A. A. WILLIAMS

Home Secretary to Government Punjab

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 2nd August 1947

No. 486-Leg.—The following Act of the Governor under section 93 of the Government of India Act, 1935, received the assent of the Governor-General on the 31st of July 1947, and is hereby published for general information :—

PUNJAB ACT No. XVIII OF 1947

An Act to provide for the setting up of Special Tribunals for the trial of criminal offences

WHEREAS, the Governor of the Punjab has by a proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the powers so asumed to himself, the Governor is pleased to enact as follows :—

Short title, extent and commencement

1. (*1*) This Act may be called the Punjab Special Tribunals Act, 1947.

(*2*) It extends to the whole of the Province of the Punjab.

(*3*) It shall come into force at once.

Special Tribunals

2. (*1*) The Provincial Government may, by notification, constitute under this Act for the trial of criminal offences Special Tribunals having jurisdiction throughout the Province or such part or parts of it as may be specified in the notification.

(*2*) A Special Tribunal shall sit at such place as may be fixed by the Provincial Government.

Composition of the Special Tribunals

3. (*1*) A Special Tribunal constituted under this Act shall consist of three members qualified under subsection (3) of section 220 of the Government of India Act, 1935, for appointment as Judges of a High Court.

(*2*) The Provincial Government shall appoint one of the members to be President of the Special Tribunal.

Offences triable under this Act

4. Any offence punishable under any law for the time being in force whether committed before or after the commencement of this Act, shall be triable under the provisions of this Act.

Jurisdiction of Special Tribunals.

5. A Special Tribunal shall try such offences or classes of offences, or such cases or classes of cases as the Provincial Government may by general or special order in writing direct.

Transfer of cases from one Special Tribunal to another.

6. (*1*) The Provincial Government may, at any stage of the proceedings before a Special Tribunal, transfer the case to another Special Tribunal.

V of 1898

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, when a case is transferred under subsection (1), the Special Tribunal to which the case is transferred shall not be bound to resummon or re-hear the witnesses or any of them unless it is satisfied that such a course is necessary in the interests of justice.

Procedure of Special Tribunals V of 1898

7. (1) A Special Tribunal may take cognizance of an offence without the accused being committed to it for trial, and, in trying the accused persons, shall follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of summons cases by magistrates;

Provided that a Special Tribunal shall ordinarily record a memorandum only of the substance of the evidence of each witness examined, may refuse to summon any witness if satisfied after examination of the accused that the evidence of such witness will not be material, and shall not be bound to adjourn any trial for any purpose unless such adjournment is in its opinion necessary in the interests of justice.

V of 1898

(2) In matters not coming within the scope of subsection (1), the provisions of the Code of Criminal Procedure, 1898, in so far as they are not inconsistent with this Act, shall apply to the proceedings of a Special Tribunal; and for the purposes of the said provisions the Special Tribunal shall be deemed to be a Court of Session.

(3) A Special Tribunal shall not, merely by reason of a change in its members, be bound to recall and re-hear any witness who has given evidence and it may act on the evidence already recorded by or produced before it.

(4) In the event of any difference of opinion among the members of a Special Tribunal the opinion of the majority shall prevail.

Sentences by Special Tribunals.

8. A Special Tribunal may pass any sentence authorized by law.

Review of convictions.

9. If in any proceedings before a Special Tribunal—

(a) a person convicted is sentenced to death or to transportation for life or to imprisonment for a term of seven years or more, or

(b) though no person is so sentenced, the Special Tribunal certifies that in its opinion the case has involved questions of special difficulty whether of law or of fact or is one which for any other reason ought properly to be reviewed,

the proceedings shall be submitted for review by a person nominated in this behalf by the Provincial Government which person shall be chosen from the Judges of the High Court having jurisdiction over the area for which the Special Tribunal is appointed and the decision of that person shall be final.

Powers of Special Tribunals to exclude the public.

10. A Special Tribunal constituted under this Act may, if it thinks fit, order, at any stage of a trial, that the public generally or any particular person shall not have access to or be or remain in the room or building used by the Special Tribunal.

Appearance of pleaders

11. In any proceedings before a Special Tribunal, a person accused of an offence triable under this Act may of right be defended by a Pleader:

Provided that a Special Tribunal shall not be required to grant an adjournment for the purpose of securing the attendance of a Pleader.

Special rule of evidence.

12. Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any magistrate, such statement may be admitted in evidence in any trial before a Special Tribunal, if such person is dead or cannot be found or is incapable of giving evidence.

Special rule of procedure.

13 (1). Where any accused in a trial before a Special Tribunal has by his voluntary act rendered himself incapable of appearing before it, or resists his production before it, or behaves before it in a persistently disorderly manner, the Tribunal may, at any stage of the trial, by order in writing, dispense with the attendance of such accused for such period as it may think fit and proceed with the trial in his absence.

(2) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under subsection (1), such accused shall be deemed not to plead guilty.

(3) An order under subsection (1) dispensing with the attendance of an accused shall not affect his right of being represented by a Pleader at any stage of the trial or being present in person if he has become capable of appearing or appears before the Tribunal and undertakes to behave in an orderly manner.

V of 1898. (4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no finding, sentence or order passed in a trial before a Special Tribunal shall be held to be illegal by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under subsection (1).

Accused not to be released on bail. **14**. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no person sentenced by a Special Tribunal to a term of imprisonment for any offence shall be released on bail or on his own bond and no person accused of an offence the trial of which has been entrusted to a Special Tribunal shall be so released except—

(a) on medical grounds, or

(b) on the ground that there are reasonable grounds for believing that such person is not guilty of the offence of which he is accused.

Exclusion of interference by other courts. **15**. Notwithstanding the provisions of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order of sentence made or passed, or which purports to have been made or passed, by a Special Tribunal and, save as provided in this Act, no Court shall have authority to revise such order or sentence or to transfer any case from the court of a Special Tribunal, or to make any order under section 491 of the Code of Criminal Procedure, 1898, or have any jurisdiction or make any order of any kind in respect of any proceedings under this Act.

Application of ordinary law. **16**. The provisions of the Code of Criminal Procedure, 1898, and of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Act, shall apply to all matters connected with, arising from, or consequent upon, a trial under this Act.

Indemnity **17**. No suit, prosecution or other legal proceedings shall lie in any Court against any servant of the Crown on account of or in respect of any sentence passed or any act ordered or done by him whether in exercise of any jurisdiction or power conferred or purporting to have been conferred on him by or under this Act or in carrying out any sentence passed by any Special Tribunal or the Provincial Government in exercise of any such jurisdiction as aforesaid.

Power to make rules. **18** (1) The Provincial Government may make rules providing for any matter necessary to carry into effect the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the times at which Special Tribunals may sit ;

(b) the procedure to be adopted in the event of any member of Special Tribunal being prevented from attending throughout the trial of any accused person.

S. B. CAPOOR

Additional Secretary to Government, Punjab,
Legislative Department

HOME DEPARTMENT

GENERAL

NOTIFICATION

The 2nd August 1947

No. 5041-HG-47/44806—The following statement in respect of the Punjab Special Tribunals Act, 1947, is hereby published for general information :—

STATEMENT

The purposes of the Punjab Special Tribunals Act is to enable the speedy trial and punishment of certain cases, principally those in which the offender is caught red-handed. It is not intended to employ the provisions of the Act for cases involving prolonged and elaborate investigations with identification parades and the examining of a large number of witnesses. Even under the simplified procedure allowed by the Punjab Public Safety Act the trial of offenders caught red-handed does not proceed with that speed which is essential if the enhanced punishments provided for certain offences in the Disturbed Areas are to have their due deterrent effect. Provision has been made in the Act that members of the Special Tribunals should be persons qualified to be Judges of a High

Court under the Government of India Act, and that the verdict of such a Tribunal should be subject to review by a Judge of the High Court, and in this respect the procedure prescribed in the Enemy Agents Ordinance of 1943 has been adopted. In other respects the Special Tribunals Act is self-explanatory.

A. A. WILLIAMS
Home Secretary to Government, Punjab

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 2nd August 1947

No. 487-Leg.—The following Act of the Governor under section 93 of the Government of India Act, 1935, received the assent of the Governor-General on the 31st of July 1947, and is hereby published for general information :—

PUNJAB ACT No. XIX OF 1947

An Act to amend the Punjab Disturbed Areas Act, 1947

WHEREAS the Governor of the Punjab has by a proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows :—

Short title, and commencement.

1. (*1*) This Act may be called the Punjab Disturbed Areas (Amendment) Act, 1947.

(*2*) It shall come into force at once.

Insertion of new sections 4A and 4B in Punjab Act I of 1947

2. After section 4 of the Punjab Disturbed Areas Act, 1947, the following sections shall be inserted, namely :—

Causing of explosion to be punishable with death

"4A. Whoever in any disturbed area, unlawfully and maliciously causes, by any means whatsoever, an explosion likely to endanger life or to cause serious damage to property, may in lieu of any punishment to which he is liable under any other law for the time being in force be punished with death.

Making or possessing explosives in suspicious circumstances to be punishable with death

4B. Whoever in any disturbed area makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making or does not have it in his possession or under his control for a lawful object may, unless he can show that he made it or had it in his possession or under his control for a lawful object, in lieu of any punishment to which he is liable under any other law for the time being in force be punished with death.

Explanation—The expression " explosive substance " in this section shall have the meaning assigned to it by section 2 of the Explosive Substances Act, 1908." *VI of 1908*

S. B. CAPOOR
Additional Secretary to Government, Punjab,
Legislative Department

HOME DEPARTMENT

GENERAL

NOTIFICATION

The 2nd August 1947

No. 5042-HG-47/44807—The following statement in respect of the Punjab Disturbed Areas (Amendment) Act, 1947, is hereby published for general information :—

STATEMENT

This Act to amend the Punjab Disturbed Areas Act is intended to fill a lacuna. Under section 4 of the Punjab Disturbed Areas Act read with the Schedule many serious offences are now punishable with death, but the causing of explosions and the manufacture and possession of explosive substances are not at present so punishable. A feature of the recent phases of the disturbances in this Province has been the widespread use of bombs both of military and of home manufacture. So serious have these bombs attacks become that it is considered necessary to make punishable with death not only any murders that may occur as a result, but also the manufacture and possession of explosive substances for unlawful purposes.

A. A. WILLIAMS

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The Punjab Gazette

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LAHORE, WEDNESDAY, AUGUST 6, 1947

HOME DEPARTMENT

JUDICIAL

Powers

The 6th August 1947

No. 3906-J-47/50177—In exercise of the powers conferred upon him by subsection (1) of section 2 of the Punjab Special Tribunals Act, 1947, the

be members of the Special Tribunal at Lahore :—

1. Mr. R. E. C. Broadbent, I.C.S.
2. Malik Fateh Khan, P.C.S.
3. S. Bhagat Singh, P.C.S.

Under subsection (2) of section 3 of the said Act, the Governor of the Punjab is further plea ed to appoint Mr. R. E. C. Broadbent, to be the President

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LAHORE, MONDAY, AUGUST 4, 1947

HOME DEPARTMENT

GENERAL

NOTIFICATION

The 2nd August 1947

No. 5054-HG-47/49971—WHEREAS the Provincial Government have reasons to believe that communal tension continues to prevail in the area of Lahore City, and its neighbourhood :—

AND WHEREAS by Punjab Government notification No. 4330-HG-47/41737, dated the 10th July 1947, as subsequently modified by Punjab Government notification No. 4596-HG-47/42849, dated the 18th July 1947, the Governor of the Punjab extended under subsection (6) of section 144 of the Criminal Procedure Code the District Magistrate, Lahore's order, dated the 7th July 1947, under the said section, for a period of three weeks with effect from the 14th July 1947, directing that within the areas in Lahore Corporation included in the Police Stations of Tibbi, Kotwali, Gowalmandi, New Anarkali, Old Anarkali, Mozang, Ichhra, excluding (a) the Ferozepore Road from the Canal Bridge to the boundary with Kahna Nau Police Station, (b) the Canal Bank Road from the Ferozepore Road canal bridge to Ichhra Police Station boundary with Civil Lines, (c) the Civil Aerodrome and the Road connecting it with Ferozepore Road, and (d) Model Town (e.g. the area of Ichhra lying between the canal and Ferozepore Road), Naulakha exluding (i) Empress Road leading to the Railway Station, (ii) Mayo Road from the Railway Station to Lahore Cantonment boundary, and (iii) the Railway quarters lying between Mayo Road Shalamar Road, Railway line and Nicholson Road, Misri Shah, Moghabura situated, (i) North of the Grand Trunk Road, and (i) South of the Main Lahore-Amritsar Railway line only and of Civil Lines (i) known as Qilla Gujar Singh and bounded by Nicholson Road, Montgomery Road, Abbott Road and along but excuding Empress Road and (ii) lying west of, and excluding Queen's Road, Charing Cross, Montgomery Roa, the Mall itself from Charing Cross to its crossing with Fane Road being excluded, no person other thn a person authorised by proper authority or in execution of his official duties should within the hour of 11·0 p.m. and 3·0 a.m. enter upon or remain in any public place, road or street.

NOW, THEREFORE, in exercise of the powers conferred on him by subsection (6) of the said section 144, the Governor of the Punjab is pleased to extend for a further period of twelve days with effect from the 4th August 1947, the order, dated the 7th July 1947, passed b the District Magistrate, Lahore.

A. A. WILLIAMS
Home Secretary to Government, Punjab

(2) Crown *versus* Shahpurji and others, F.I.R. No. 452, dated the 22nd July 1947, Police Station Railway, Lahore, under section 3, Act VI of 1908.

(3) Crown *versus* Gurbakhsh Singh and others, F.I.R. No. 454, dated the 22nd July 1947, Police Station Railway, Lahore, under section 302, Indian Penal Code/3 of Act No. VI of 1908.

(4) Crown *versus* Kalu, First Information Report No. 122, dated the 14th May 1947, Police Station Kotwali under section 436, Indian Penal Code.

(5) Crown *versus* Raj Kumar and four others, First Information Report No. 126, dated the 18th June 1947, Police Station Tibbi City, under section 307, I. P. C.

(6) Crown *versus* Ghulam Hussain, First Information Report No. 305, dated the 24th July 1947, Police Station Kotwali, under section 436/454, Indian Penal Code.

(7) Crown *versus* Gurcharan Singh and others, First Information Report No. 158/47, Police Station Tibbi City, under section 302, Indian Penal Code.

By order of the Governor of the Punjab

A. A. WILLIAMS

Home Secretary to Government, Punjab

...ufacture and possession of explosive substances are not at present so punishable. A feature of the recent phases of the disturbances in this Province has been the widespread use of bombs both of military and of home manufacture. So serious have these bombs attacks become that it is considered necessary to make punishable with death not only any murders that may occur as a result, but also the manufacture and possession of explosive substances for unlawful purposes.

A. A. WILLIAMS

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NOTIFICATION

The 9th August 1947

No. 9894-G-47/50392—Under section 25 of the Negotiable Instrument Act, 1881, the Governor of the Punjab is pleased to declare that the 15th and 16th August 1947, shall be observed as public holidays in the West Punjab.

AKHTAR HUSAIN

Chief Secretary to Government, Punjab

Price: Re. 0-2-0

965 CS—1515—11-8-47—SGPP Lahore

Published by Authority

LAHORE, MONDAY, AUGUST 11, 1947

HOME DEPARTMENT

GENERAL

NOTIFICATION

The 11th August 1947

No. 128-H-47/50536—In exercise of the powers conferred on him by clause (b) of section 2 of the Punjab Public Safety Act, 1947, the Governor of the Punjab is pleased to declare the Gurdaspur district as a dangerously disturbed area, with effect from the 11th August 1947.

A. A. WILLIAMS

Home Secretary to Government, Punjab

Price: Re. 0-2-0

971 CS—1515—12-8-47—SGPP Lahore.

of the whole or any part of the territories comprised

Price : Re. 0-2-0

... possession of explosive substances are not at present so punishable. A feature of the recent phases of the disturbances in this Province has been the widespread use of bombs both of military and of home manufacture. So serious have these bombs attacks become that it is considered necessary to make punishable with death not only any murders that may occur as a result, but also the manufacture and possession of explosive substances for unlawful purposes.

A. A. WILLIAMS

EXTRAORDINARY ISSUE REGISTERED No. L. 864

The Punjab Gazette

Published by Authority

LAHORE, WEDNESDAY, AUGUST 13, 1947

LEGISLATIVE DEPARTMENT

NOTIFICATIONS

The 13th August 1947

No. 488-Leg.—The following Order of the Governor of the Punjab under section 9 of the Indian Independence Act, 1947, is hereby published for general information :—

THE PUNJAB PARTITION (ADAPTATION OF LAWS) ORDER, 1947.

WHEREAS as provided by sections 2 and 4 of the Indian Independence Act, 1947 (10 and 11 Geo. 6, Ch. 30) there are to be set up two independent Dominions in India to be known respectively as India and Pakistan, and the Punjab Province is to be divided into two new Provinces to be known respectively as West Punjab and East Punjab ;

AND WHEREAS under section 18 of the said Act, the law in force in the Punjab Province immediately before the appointed day is to continue to be the law in force in the two new Provinces, subject however, to necessary adaptations being made therein ;

NOW, THEREFORE, in exercise of the powers conferred by clause (*a*) of subsection (1) read with subsection (2) of section 9 of the said Act and of all other powers enabling him in this behalf, the Governor of the Punjab is pleased to make the following Order, namely :—

1. (1) This Order may be called the Punjab Partition (Adaptation of Laws) Order, 1947.

(2) It shall come into force on the appointed day.

2. The Interpretation Act, 1889, shall apply for the interpretation of this Order ; and the expressions specified below shall have the meanings respectively assigned to them, that is to say :—

(*a*) " the appointed day " shall mean the fifteenth day of August nineteen hundred and forty-seven ;

(*b*) "British India " shall mean all the territories comprised within the Governor's Provinces and the Chief Commissioners' Provinces immediately before the appointed day ;

(*c*) " Punjab Province " shall mean the territories administered by the Governor of the Punjab immediately before the appointed day ;

(*d*) " existing Central Law " and existing "Punjab Law" shall mean any law, ordinance, order, by-law, rule or regulation passed or made, before the appointed day, by any legislative authority or person being a legislative authority or person having power to make such law, ordinance, order, by-law, rule or regulation for British India, or, as the case may be, the Punjab Province ;

(*e*) " new Province " shall mean West Punjab or East Punjab or both East Punjab and West Punjab as the case may require.

3. Subject to the provisions hereinafter in this Order contained :—

(*a*) every provision of an existing Central law which is in force immediately before the appointed day in the whole or any part of the Punjab Province, and

(*b*) every provision of an existing Punjab law which is in force immediately before the appointed day shall continue on and after the appointed day to have the same effect in respect of the whole or any part of the territories comprised

in the new Provinces of West Punjab and East Punjab as it had immediately before the appointed day.

4. Whenever an expression mentioned in column 1 of the table appended to this clause occurs in any law to which clause 3 applies, then unless the context otherwise requires, there shall be substituted therefor, the expression opposite to it in column 2 or 3 of the said table, according as the law is being adapted for the purposes of application to the West Punjab Province or the East Punjab Province.

Table of General Adaptations

1	2	3
(*a*) Central Government..	Pakistan Government	Indian Government.
(*b*) Punjab ..	West Punjab ..	East Punjab.
(*c*) Central Legislature ..	Pakistan Legislature..	Indian Legislature

5. (1) The following provisions shall have effect, where any law which under this Order is to be adapted or modified has before the commencement of this Order been amended, either generally or in relation to any particular area, by the insertion, omission or substitution of words :—

(*a*) effect shall first be given in the amending law to any adaptation or modification required by clause 4 of this Order to be made therein;

(*b*) the original law shall then be amended, either generally, or as the case may be, in its application to the particular area, so as to give effect to the directions contained in the amending law or where any adaptation or modification has fallen to be made under sub-clause (*a*), in that law as so adapted or modified, and

(*c*) all adaptations or modifications required by this Order to be made in the original law shall then be made in that law as so amended, except so far as in the case of any particular area they may be inapplicable.

(2) In this clause, references to the amendment of a law by the insertion or omission of words or the substitution of words do not include references to an amendment which is effected merely by directing that certain words shall be construed in a particular manner.

6. Subject to the foregoing provisions of this Order, any reference, by whatever form of words, in any law in force immediately before the commencement of this Order to an authority competent at the date of the passing of that law to exercise any powers or authorities or discharge any functions, in any part of the Punjab Province, shall have effect :—

(*a*) in West Punjab as if the references were to the corresponding authority, if any, constituted by or under the said Act, in relation to Pakistan or West Punjab ; and

(*b*) in East Punjab as if the references were to the corresponding authority, if any, constituted by or under the said Act in relation to India or East Punjab.

7. The provisions of this Order which adapt or modify laws so as to alter the manner in which the authority by which or the law under or in accordance with which any powers are exercisable shall not render invalid any notification, order, commitment, attachment, by-law, rule or regulation duly made or issued, or anything duly done, before the commencement of this Order ; but every such notification, order, commitment, attachment, by-law, rule, regulation or thing shall have the like validity in each new Province as it had immediately before the appointed day and may be revoked, varied or undone in the like manner, to the like extent and in the like circumstances as if it had been made, issued or done after the commencement of this Order by a competent authority and under and in accordance with the provisions then applicable to such a case.

8. Nothing in this Order shall affect the previous operation of, or anything duly done or suffered under, any existing Central or Punjab Law or any right, privilege, obligation or liability already acquired, accrued or ncurred under any such law, or any penalty, forfeiture or punishment incurred in respect of any offence already committed against any such law.

9. Any reference to the Lahore High Court in any law to which this Order applies, shall include a reference to the High Court exercising jurisdiction in the West Punjab or as the case may be the East Punjab after the appointed day.

No. 489-Leg.—The following Order of the Governor of the Punjab under section 9 of the Indian Independence Act, 1947, is hereby published for general information:—

THE PUNJAB PARTITION (APPORTIONMENT OF ASSETS AND LIABILITIES) ORDER, 1947.

WHEREAS the Punjab Province is to be divided into two new Provinces to be known as West Punjab and East Punjab, respectively, in accordance with Section 4 of the Indian Independence Act, (10 and 11 Geo. 6, Ch. 30);

AND WHEREAS it is necessary to make provision for the apportionment of certain assets and liabilities of the Punjab Province between the two new Provinces;

NOW, THEREFORE, in exercise of the powers conferred by clause (*b*) of subsection (*1*) read with subsection (2) of section 9 of the aforesaid Act, and of all other powers enabling him in this behalf, the Governor of the Punjab is pleased to make the following Order, namely :—

1. This Order may be called the Punjab Partition (Apportionment of Assets and Liabilities) Order, 1947.

2. In this Order, unless the context otherwise requires—

(*a*) "the appointed day" means the fifteenth day of August, nineteen hundred and forty-seven;

(*b*) "new Province" means West Punjab or East Punjab or both West Punjab and East Punjab, as the context may require.

3. In relation to the undermentioned items of property, namely :—

(*i*) Crown waste lands;

(*ii*) land under irrigated plantations under the control of the Forest Department;

(*iii*) bins and sheds used for the storage of foodgrains held on Government account;

(*iv*) Seigniorage charges levied by the Punjab Province from the States of Bikaner, Patiala, Nabha and Jind, on account of canal water; and

(*v*) canals owned by the Punjab Province;

the respective rights and liabilities of the two new Provinces shall be referred for determination to the arbitral body to which disputes between the Dominions of India and Pakistan are to be referred for arbitration.

4. (1) In relation to unissued stores and all such assets as are immediately moveable, or which can be moved without major structural alteration of immoveable assets, wherever they may be situated on the appointed day, either of the new Provinces may present to the other new Province, on or before the 15th September 1947, a claim that physical apportionment should be made of any specified asset or assets, between the two new Provinces.

(2) Where the asset or assets in question are such that physical apportionment is not possible without detailed technical enquiry, each new Province shall nominate a representative, and the two representatives together with a third person acceptable to both parties, who shall be nominated as Chairman by both the new Provinces, shall form a Committee of Enquiry.

(3) The Committee shall enquire and report with all possible speed as to the feasibility of physical apportionment of the asset or assets in question,

and in making its report, the Committee shall take particular account of the ollowing factors, namely :—

(a) in the case of machinery or equipment (i) the capacity required by the new Provinces for direct Government work, such as the maintenance of Public Works required by the new Provinces, and the execution of projects over a period of five years, regard being had to other Government capacity available in the new Provinces ; and (ii) the capacity surplus to (i) ;

(b) in the case of assets to which (a) cannot conveniently be applied, the direct needs of each new Province and the sources from which such needs can be met other than the asset or assets in question ;

(c) the importance to both Provinces of economy and (in appropriate cases) of balanced working ;

(d) the time and expenditure likely to be required to bring any assets that may be moved into effective use ;

(e) the time and expenditure likely to be required to buy and bring into effective use similar assets from elsewhere ;

(f) the time and expenditure likely to be required for any rearrangements in the Province in possession ; and

(g) the disadvantages which will be suffered by the Province in possession, including loss and damage arising directly from the removal of the assets, the time and expenditure required for essential rearrangements, and general loss of efficiency.

(4) The report shall be submitted to the Government of the two new Provinces with all possible speed, and if they do not accept it, and no other agreed settlement is reached on the matter in dispute, it shall be referred to arbitration in the manner provided in clause 3.

(5) Where the asset or assets admit of apportionment without detailed technical enquiry the provisions of sub-clauses (3) and (4) shall not apply, and the apportionment shall be effected in accordance with such agreement as may be arrived at between the two new Provinces, or if there is no such agreement by arbitration in the manner provided in clause 3.

5. (1) In order to provide financial resources to the two new Provinces sufficient to meet their immediate need on and after the appointed day, the Provincial Cash Balance as it stands on the appointed day shall be divided between the two new Provinces so that the share of West Punjab shall be two-fifths, and the share of East Punjab, three-fifths thereof.

(2) The securities specified in column 2 of the second Schedule hereto annexed, of the aggregate face-value of rupees ten crores shall be allocated to West Punjab and East Punjab as provided in columns 4 and 5, respectively, of the said Schedule but account shall be taken of such apportionments in the general financial settlement made under clause 6, and the remaining securities shall be retained by the Reserve Bank of India, in trust for the two new Provinces and shall not be endorsed or negotiated otherwise than as part of the said general financial settlement.

6. (1) There shall be a general financial settlement between the two new Provinces, and such settlement shall relate to and include all the assets and liabilities of the Punjab Province, as they stand immediately before the appointed day, excepting assets and liabilities for the apportionment of which express provision is made by any clause other than clauses 3, 4 and 5 of this Order ;

Provided that in taking account of the value of the assets of the Punjab Province, the value of the following items shall be excluded from consideration, namely :—

(a) forests (subject to any award of the arbitral body under clause 3 (ii) ;

(b) roads ;

(c) contents of buildings other than buildings specified in the First Schedule hereto annexed ;

Provided further that any award of the arbitral body given under clause 3 or clause 4, any allocation of financial liability by agreement between the two new Provinces, and any physical apportionment effected under clause 4, shall be taken into account in making the general financial settlement.

(2) The general financial settlement shall be made by agreement between the two new Provinces, or, failing agreement, by arbitration in the manner provided in clause 3.

7. Subject to the provisions of clause 6, all lands, works, forests, road, buildings and all moveable property of every type including foodgrains held on Government account, but not including any unissud stores, contents of buildings, or other assets in respect of which a claim for apportionment has been or may be made under clause 4, being the property of the Punjab Province immediately before the appointed day, shall on and after the appointed day, be the property of that new Province in whose territory they are situated on the appointed day.

8. The balance in the State Provident Funds Account shall be divided between the two new Provinces in such manner that the amount held in respect of any employee of the Punjab Province, shall be transferred to that one of the new Provinces in or under which he is serving on and after the appointed day;

Provided that if such employee is serving in one of the new Provinces as a lent official, such amount shall be transferred to the other new Province.

9. The balance of Local Funds Deposits shall be divided between the two new Provinces so that the sum held in deposit on account of any local authority shall be transferred to that one of the new Provinces in the territory of which such local authority is situated.

10. The balance on account of Civil Deposits shall be divided so that each new Province shall take the amounts deposited in any treasury or Court or other office situated within its territory.

11. The balance in the Harijan Welfare Fund shall be divided between the two new Provinces as nearly as may be in the proportion of their respective Schedule Caste populations, as determined at the Census of 1941.

12. The balance in the Motor Transport Reserve Fund shall be divided between the two new Provinces in the same proportion as the Motor Vehicles owned by the Punjab Province are divided between them.

13. In relation to the Depreciation Reserve Funds, maintained for the following undertakings owned and operated by the Punjab Province, namely (*a*) Electricity Undertakings (*b*) Motor Transport Undertakings, (*c*) Printing Presses and (*d*) the Jallo Rosin Factory, the balance held in respect of each such Undertaking shall be deducted from the book value of such Undertaking, and the diminished value so obtained shall be the value to be placed upon such Undertaking in the computation of the aggregate value of the physical assets of the Punjab Province. The balance of such Funds shall be included in the cash balance to be apportioned between the two new Provinces under clause 6.

THE FIRST SCHEDULE

I—Industries Department

1. Tanning Institute, Jullundur.
2. Hosiery School, Ludhiana.
3. Punjab Institute of Textile Technology, Amritsar.
4. Mayo School of Arts, Lahore.
5. Industrial Research Laboratory, Lahore.
6. Government Institute of Dyeing and Calico Printing, Shahdara.
7. Government Weaving and Demonstration Factory, Shahdara.
8. Surgical Instruments Centre, Sialkot.

II—Forest Department

9. Forest School, Ghoragali.
10. Jallo Rosin and Turpentine Factory, Jallo.

III—Veterinary Department

11. Live Stock Farm, Hissar.
12. Punjab Veterinary College, Lahore.

IV—Medical Department

13. Glancy Medical College, Amritsar.
14. Victoria Jubilee Hospital, Amritsar.
15. King-Edward Medical College, Lahore.
16. Punjab Mental Hospital, Lahore.
17. Chemical Examiner's Laboratory, Lahore.
18. Provincial Bacteriological Laboratory, Lahore.
19. Mayo Hospital, Lahore.
20. Lady Willingdon Hospital, Lahore.
21. Punjab Dental Hospital, Lahore.

V—Jails Department

22. Central Jail, Lahore.
23. Borstal Institution, Lahore.
24. Women's Jail, Lahore.
25. New Central Jail, Lahore.
26. Old Central Jail, Lahore.
27. Central Jail, Montgomery.

VI—Education Department

28. Central Training College, Lahore.
29. Government College, Lahore.
30. Lady Maclagan Training College, Lahore.
31. Queen Mary's Women College, Lahore.
32. Lawrence School and College, Ghoragali.

VII—Agriculture Department

33. Punjab Agricultural College and Research Institute, Lyallpur.

VIII—Public Health Department

34. Vaccine Institute, Murree.
35. Vaccine Institute, Lahore.
36. Punjab Epidemiological Bureau, King-Edward Medical College, Lahore.

IX—Public Works Department

37. Government School of Engineering, Punjab, Rasul.
38. Punjab College of Engineering and Technology, L.hore.
39. Soil Research Laboratory, Lahore.

X—Printing Department

40. Government Printing Press.

THE SECOND SCHEDULE

Statement showing the distribution of certain Government of India Securities held by the Punjab Government between the West Punjab and East Punjab

Serial No.	*Particulars of securities*	*Face value of securities*	(36%) *East's share*	(64%) *West's share*
		Rs.	Rs.	Rs.
1	3% Loan, 1953—55 ..	2,96,44,000	1,06,71,840	1,89,72,160
2	3% Loan, 1957 ..	1,99,38,000	71,77,680	1,27,60,320
3	3% Loan, 1959—61 ..	2,00,00,000	72,00,000	1,28,00,000
4	3% Loan, 1963—65 ..	2,35,00,000	84,60,000	1,50,40,000
5	3% Loan, 1966—68 ..	69,18,000	24,90,480	44,27,520
	Total ..	10,00,00,000	3,60,00,000	6,40,00,000

No. 490-Leg.—The following Order of the Governor of the Punjab under section 9 of the Indian Independence Act, 1947, is hereby published for general information :—

THE PUNJAB PARTITION (CONTRACTS) ORDER, 1947

WHEREAS, in accordance with section 4 of the Indian Independence Act, 1947 (10 and 11 Geo. 6, Chap. 30), the existing Province of the Punjab shall cease to exist and there shall be constituted two new Provinces, to be known respectively as the West Punjab and the East Punjab ;

AND WHEREAS it is necessary to make provision for division between the two new Provinces of the rights and obligations of the Governor of the Punjab in respect of contracts, deeds, covenants and all other matters hereinafter referred to ;

NOW, THEREFORE, in exercise of the powers conferred by section 9 of the Indian Independence Act, 1947 (10 and 11 Geo. 6, Chap. 30), the Governor of the Punjab is pleased to make the following Order :—

1. (1) This Order may be called the Punjab Partition (Contracts) Order, 1947.

(2) It shall come into force on the appointed day.

2. With effect from the appointed day every contract made, deed executed, or covenant entered into, by or on behalf of the Governor of the Punjab in accordance with section 175 of the Government of India Act, 1935 (26 Geo. V. Ch. 2) shall, for all purposes, in so far as it relates to—

(*a*) immovable property within the Punjab Province, be deemed to have been made, executed or entered into respectively with the West Punjab Province or the East Punjab Province, according as such immovable property is situated within the territories of the West Punjab Province or the East Punjab Province ;

(*b*) supplies to be made or services to be rendered, be deemed to have been made, executed or entered into respectively with the West Punjab Province or the East Punjab Province, according as the supplies to be made, or the services are to be rendered, exclusively for the purposes of the West Punjab Province or the East Punjab Province ;

(*c*) personal service, be deemed to have been made, executed or entered into respectively with the West Punjab Province or the East Punjab Province, according as the person with or in respect of whom such contract deed or covenant was made, executed or entered into, is on the appointed day serving in or under the West Punjab Province or the East Punjab Province.

(*d*) immovable property situated within, or supplies to be made or services (including personal services) to be rendered, in or for the benefit of areas situated within both the new Provinces, be deemed to have been made, executed or entered into with the West Punjab Province and the East Punjab Province, as two separate contracts, deeds or covenants having effect respectively only in relation to that portion of such immovable property as lies within, or such supplies as are to be made to, or services (including personal services) as are to be rendered in, or for the benefit of, the West Punjab Province or the East Punjab Province ; and

(*e*) immovable property situated outside the Punjab Province, be deemed to have been made, executed or entered into—

(*i*) with the West Punjab Province or the East Punjab Province respectively according as the contract made, deed executed or covenant entered into is exclusively for the benefit of the West Punjab Province or the East Punjab Province, and

(*ii*) where the contract, deed or covenant is for the benefit of both the new Provinces, with the West Punjab Province, or the East Punjab Province, or both the new Provinces, according as the control and management over the immovable property is of the West Punjab Province or the East Punjab Province or of both the new Provinces in accord-

ance with such valid agreement as may be entered into between the two new Provinces or such valid award as may be given in respect of such control and management.

3. Every contract made, deed executed or covenant entered into by or on behalf of the Governor of the Punjab in accordance with section 175 of the Government of India Act, 1935 (26 Geo. V. Ch. 2) for the purchase of stores, where such stores are intended for the purpose of both the new Provinces, shall be deemed to have been made, executed or entered into respectively with the West Punjab Province or the East Punjab Province, according as the consignee of any consignment of stores delivered under the contract is within the territories of the West Punjab Province or the East Punjab Province;

Provided that the new Province which takes delivery shall, on payment of the price calculated at the rate paid to the vendor, in addition to such incidental charges as may be properly claimed, deliver to the other new Province, such portion of the said consignment as was originally ordered for the benefit of the other new Province.

4. All rights and obligations of the Governor of the Punjab, arising under or in respect of any contract made, deed executed, or covenant entered into by or on behalf of the Governor of the Punjab, in accordance with section 175 of the Government of India Act, 1935 (26 Geo. V. Ch. 2) shall, with effect from the appointed day, be deemed to be the rights and obligations of that one of the new Provinces with which such contract, deed or covenant is deemed to have been made, executed or entered into to the extent to which such contract, deed or covenant is to be deemed to have been made, executed or entered into with that Province under the preceding clauses;

Provided that the apportionment of such rights and obligations between the two new Provinces shall be determined in relation to the extent to which each new Province has derived or was intended to derive benefit from or in respect of such contract, deed or covenant;

Provided further that in case of dispute between the two new Provinces in regard to such apportiontment, such dispute shall be referred to the arbitration of three persons, namely, two arbitrators, one to be appointed by each new Province, and an Umpire to be appointed by the arbitrators.

5. (1) After the appointed day any proceedings which might have been brought against the Governor of the Punjab in respect of any obligation arising before the appointed day under or in respect of any statute or any contract, deed or covenant as specified in the preceding clauses or any other cause of action may be brought respectively against the West Punjab Province or the East Punjab Province, as the case may be, to which according to the preceding clauses of this Order the obligation is to be deemed to belong,

Provided that where the obligation cannot be allocated as provided above, or in any case of doubt the plaintiff shall implead both the new Provinces.

(2) A suit or proceeding in relation to any obligation or other cause of action arising in favour of Punjab Province before the appointed day, may be instituted after the appointed day by that one of the new Provinces to whom the right of suit belongs as ascertained under the preceding clauses or in whose separate territory the cause of action arose or the defendant, or any defendant resides or works for gain on the date of commencement of the suit or proceeding. In every case where the right of suit belongs to both new Provinces, or it is doubtful to which of the new Provinces such right belongs under the preceding clauses, the new Province which institutes the suit or proceeding shall send intimation of the fact to the other new Province and the other new Province shall have the right to be impleaded as a party thereto.

(3) Every suit or proceeding of the kinds mentioned in the foregoing sub-clauses may be instituted—

(a) if one of the new Provinces is the plaintiff in any competent court or tribunal within its territory, and

(b) if a private person is the plaintiff, suing one or both of the new Provinces—

(i) where the obligation is susceptible of allocation to one of the new Provinces under the preceding clauses, in a

competent court or tribunal within the territory of such new Province ; or

(*ii*) where the cause of the action arose in the separate territory of one of the new Provinces, in a competent court or tribunal within such territory ; or

(*iii*) where the allocation of the obligation is doubtful, or the obligation rests on both the new Provinces in a competent court or tribunal in the new Provinces in the territory of which the plaintiff resides or works for gain at the date of the suit.

(4) Any suit or proceeding of the kinds mentioned in sub-clauses (1) and (2) which is pending, on the appointed day in any Court or Tribunal situated in one of the two new Provinces shall be proceeded with in such Court or tribunal, but on application by either party—

(*a*) if the Punjab Province is the plaintiff, it shall be replaced by that new Province in whose territory the Court or tribunal is situated, and the Court or tribunal shall send notice of the change to the other new Province, which shall have the right to be impleaded as a party ; and

(*b*) if the Punjab Province is the defendant, it shall be replaced by that one of the new Provinces to which the obligation sought to be enforced is allocated under the provisions of the preceding clauses, and in any case of doubt, or where the obligation is one resting on both, the new Provinces shall be substituted for the Punjab Province.

Due notice of such substitution of parties shall be given by the Court to all parties, as may be necessary.

6. Any costs or damages which may be decreed against or in favour of one or both of the new Provinces, in any suit or proceeding of the kinds dealt with in the foregoing clause, shall be shared between the two new Provinces in accordance with any order made by the Court or tribunal, and failing such order, in such proportion as may be mutually agreed between the two new Provinces.

7. Notwithstanding any other provision of this Order, a contract made for and on behalf of the Governor of the Punjab in accordance with section 175 of the Government of India Act, 1935 (26 Geo., V, Ch. 2) relating to the execution of any public works by the other party which is unfulfilled or partly unfulfilled on the appointed day, may be terminated by such other party by notice to be given within one calendar month of the appointed day to the Governor of the Province with which it is under the foregoing provisions deemed to have been made. On the receipt of such a notice by the said Government, the contract to which it relates shall be deemed to have been rescinded, so however that the arbitration clause, if any, in the contract shall remain of full force and effect notwithstanding such rescission.

8. Nothing contained in this Order shall be construed to create or revive, as against either of the new Provinces, any obligation which has become barred by time, by the provisions of the Indian Limitation Act, 1908, or of any other enactment in force providing limitations for actions, at the time when it is sought to be enforced.

9. For the purposes of this Order—

(*a*) the expression " the appointed day " shall mean the 15th day of August 1947.

(*b*) without prejudice to the generality of the expression as used in sub-clause (*a*) of clause 2, contracts, deeds and covenants shall be deemed to relate to " immovable property " if they relate to—

(*i*) rights of fishing, of grazing, of removing and selling grass trees and fruits thereof or forest produce and of working plant and machinery fixed to the ground ;

(*ii*) the right to collect tolls on roads, bridges and ferries ;

(*iii*) the execution and maintenance of and repairs to public works of all kinds ;

(*iv*) the supply of water for irrigation and other purposes or the sharing of the cost of the original construction and subsequent works and the sharing of the working expenses and receipts from *abiana* and miscellaneous produce from various canals;

(*v*) the distribution of river supplies, the maintenance of head works and the apportionment between the two new Provinces of expenses in connection therewith;

(*vi*) the right to recover fines on account of drift wood or other timber passing into a canal;

(*vii*) rights of prospecting for and of mining and carrying away minerals from wells, mines and quarries;

(*viii*) exemptions from payment of land revenue;

(*ix*) a pension or grant of money in connection with land revenue;

(*x*) an advance under the Land Improvement Loans Act or the Agriculturists Loans Act or under the Punjab State Aid to Industries Act;

(*xi*) supply of articles for use in a jail, hospital or other institution located in a building or buildings;

(*xii*) sale of articles manufactured in a jail;

(*xiii*) provision of sewer connections with Government-owned sewerage systems;

(*xiv*) employment as treasurer or sub-treasurer in relation to any treasury or sub-treasury; and

(*xv*) security furnished for the due execution of all works relating to immovable structures or land or in connection with any of the matters mentioned in this sub-clause.

(*c*) every instrument whereby security is furnished for the due performance of any obligation arising under or in respect of a contract, deed or covenant relating to supplies or services to be made or rendered, shall fall within, and be subject to the provisions of sub-clauses (*b*) and (*d*) of clause (2);

(*d*) without prejudice to the generality of the expression as used in sub-clause (*c*) of clause 2, the following instruments shall be deemed to relate to "personal service", namely—

(*i*) instruments of assignment to, and re-assignment by, the Governor of the Punjab, of insurance policies taken out by Government employees and others;

(*ii*) indentures to bind apprentices, stipend and scholarship-holders, and other persons to serve the Government for a specified period;

(*iii*) security bonds furnished by Government servants and other persons for the due performance of their duties or functions;

(*iv*) instruments relating to advances made to Government servants for the purpose of building houses, or of purchasing motor vehicles; and

(*v*) agreements entered into with European Vagrants under section 18 of the European Vagrancy Act; and

(*e*) the expression "personal service" shall not include service rendered by any person whose terms and conditions of service were governed immediately before the appointed day by the Civil Service Rules, Punjab, or any rules framed under section 241, Government of India Act, 1935.

No. 491-Leg.—The following Order of the Governor of the Punjab under section 9 of the Indian Independence Act, 1947, is hereby published for general information:—

THE PUNJAB PARTITION (TRANSITORY FINANCIAL PROVISIONS) ORDER, 1947

WHEREAS the Punjab Province is to be divided into two new Provinces, to be known as West Punjab and East Punjab respectively,

under the provisions of section 4 of the Indian Independence Act, (10 & 11 Geo. 6 Ch. 30);

AND WHEREAS it is necessary to make temporary provision for ensuring that during the period immediately following the appointed day, there are available to the two new Provinces sufficient resources to enable the business of these Provinces to be carried on;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of subsection (1) read with subsection (2) of section 9 of the aforesaid Act and of all other powers enabling him in this behalf, the Governor of the Punjab is pleased to make the following Order, namely:—

1. (1) This order may be called the Punjab Partition (Transitory Financial Provisions) Order, 1947.

(2) It shall come into force on the appointed day.

2. In this Order, unless the context otherwise requires:—

(a) "the appointed day" means the fifteenth day of August, nineteen hundred and forty seven;

(b) "new Province" means the Province of West Punjab or East Punjab, as the case may be.

3. (1) The Governor of each new Province may, from time to time, authorise such expenditure from the revenues or the cash balances at the disposal of the Province, as he deems necessary to enable the business of the Provincial Government to be carried on between the appointed day and the dates on which a schedule of authorised expenditure is authenticated in accordance with the provisions of section 80 of the Government of India Act 1935 (26 Geo. 5 Ch. 2) or until the expiration of three months from the appointed day, whichever first occurs;

Provided that the expenditure so incurred shall not exceed one half of the total sum for expenditure included in a provisional schedule of expenditure to cover the period between the appointed day and the thirty-first day of March, nineteen hundred and forty-eight, which shall be published by the Governor not later than the fifteenth day of September, nineteen hundred and forty-seven.

(2) The expenditure authorised under the preceding sub-clause shall be included under the appropriate heads in the first estimates of expenditure laid before the Provincial Legislature under section 78 of the Government of India Act 1935 (26 Geo. V Ch. 2) and the provisions of that section and of sections 79 and 80 of that Act shall apply in relation thereto;

Provided that any expenditure so authorised shall, so far as regards moneys paid and liabilities incurred before the date on which a schedule of authorised expenditure is authenticated in accordance with the provision of the said section 80, be deemed for all purposes of the Government of India Act 1935 (26 Geo. V Ch. 2) to have been duly authorised notwithstanding that it may not be included in the schedule so authenticated.

4. The Governor of each new Province may, by public notification, continue or as the case may be re-impose, with effect from any date not earlier than the appointed day, for a period not extending beyond the thirty-first day of March nineteen hundred and forty-eight any taxation which was being levied immediately before the appointed day for the purposes of the Punjab Province and which would otherwise terminate or which has terminated on the appointed day, without prejudice, however, to the power of the legislature of such new Province as to the imposition and remission of taxation.

No. 492-Leg.—The following Order of the Governor of the Punjab under section 9 of the Indian Independence Act, 1947, is hereby published for general information:—

THE PUNJAB PARTITION (MANDI-HYDRO ELECTRIC SYSTEM OPERATION) ORDER, 1947.

WHEREAS the Mandi Hydro Electric System covers areas in the Punjab Province, which after the impending partition of the Punjab, under section 4 of the Indian Independence Act (10 and 11 Geo. 6 Chapter 30) will

be included within the territories of the two new Provinces of West Punjab and East Punjab, and it is necessary to provide for the working of the system to continue after the appointed day ;

NOW, THEREFORE, in exercise of the power conferred by clause (g) of subsection (1) read with subsection (2) of section 9 of the aforesaid Act, the Governor of the Punjab is pleased to make the following Order, namely :—

1. This Order may be called the Punjab Partition (Mandi Hydro-Electric System Operation) Order, 1947.

2. In this Order, unless the context otherwise require—

(a) the expression "appointed day" means the fifteenth day of August, nineteen hundred and forty-seven ; and

(b) the expression "System" means the existing system of generation and distribution of electricity by means of the power house and appurtenant works at Jogindernagar in the Mandi State, and transmission lines and Sub-Stations at various places in the Punjab Province, and includes the telephone lines, administration and other offices and all other works and buildings which are used solely or mainly for the purposes of the said System.

3. With effect from the appointed day, the provisions contained the annexed Schedule shall apply in relation to the working of the system.

4. This Order shall cease to have effect on the fifteenth day of November, nineteen hundred and forty-seven, but the two new Provinces may by agreement extend its operation for any further period.

5. The provisions of this Order will be subject to modification to the extent necessary to allow for any variation in the territories which under clause (a) of subsection (2) of section 4 of the aforesaid Act are at present treated as comprised in the new Provinces of West Punjab and East Punjab, respectively, which may be brought about by the award of the Boundary Commission appointed under the said section.

THE SCHEDULE

I. *Definitions*—In this schedule, unless the context otherwise requires—

(a) " Chief Engineer, West" and "Chief Engineer, East " mean the officers designated as such, for the purposes of this Order, by the West Punjab Province and the East Punjab Province, respectively,

(b) " Partition " means the partition of the Punjab effected under the Indian Independence Act (10 and 11 Geo. 6, Ch. 30) and

(c) " new Province " means the West Punjab Province or the East Punjab Province.

II. *Power House and allied works situated in Mandi State territory*—(1) The entire administrative control will be with the Chief Engineer, East.

(2) The present staff will continue on the existing terms and conditions of service.

(3) All maintenance estimates and estimates chargeable to Depreciation Fund and for works of emergent nature will be sanctioned and expenditure controlled by the Chief Engineer, East.

(4) New Capital expenditure exceeding Rs. 10,000 will not be sanctioned without the concurrence of Chief Engineer, West.

This would not apply to the works in progress, expenditure on which will continue as per sanctioned estimates.

(5) Chief Engineer, West, retains the right of inspection of works, and, as far as possible, a joint inspection with the Chief Engineer, East, will be arranged on such occasions.

III. *Transmission and Telephone lines and Grid Sub-stations*—(1) Responsibility for maintenance will vest in the Chief Engineer, West or the Chief Engineer, East according as the lines or sub-stations are situated in the territory of West Punjab or East Punjab.

(2) All switching operations of Extra High Tension lines and grid sub-stations shall be controlled by one Power Controller as at present.

The present incumbent of the Post (Mr. G. S. Gyani) should continue to work as Power Controller until the permanent incumbent (Mr. R. Heath), who is on leave *ex*-India, returns to duty.

The Power Controller will be under the administrative control of Chief Engineer, West.

(3) Provisions of the present Safety Code, as adopted by the Punjab Public Works Department, Electricity Branch, shall continue to be observed strictly by both the Administrations.

No amendment shall be issued to the present Safety Code except under mutual agreement, in writing, between Chief Engineer, West and Chief Engineer, East.

(4) Present sanctioned estimates for maintenance of 132 and 66 kV transmission and telephone lines shall be split up into two parts, on the basis of the length of such lines lying within the territory of West Punjab and East Punjab, respectively, so that each new Province can maintain its accounts independently of the other.

Present sanctioned amounts are not to be exceeded without mutual agreement of Chief Engineer, West, and Chief Engineer, East.

(5) In the case of Grid Sub-stations there will be no necessity to split up any of the existing maintenance estimates, as each such sub-stations will be operated by the new Province within whose territory it lies and the expenditure incurred thereon will not be subject to any adjustment between the two new Provinces.

IV. *Executive Engineer, Maintenance and Test*—(1) This officer will work under the administrative control of Chief Engineer, West. The scope of his duties will not be affected by the partition, and necessary authority will be issued by each new Province to enable him to move in their respective territories, in connection with his duties, as freely as he did before the partition.

(2) He will not transfer meters, relays or other equipment from the territory of one new Province to the territory of the other for purposes of installation and use, whether on temporary or permanent basis.

(3) Any special expenditure on the repairs incurred in the interest of one new Province only will be charged in full to the new Province concerned

(4) The present incumbent (Mr. H. B. Gupta) will continue to hold charge of this Divisional post during this period.

V. *Local Distribution and Bulk Supply Schemes*—The management and ownership of every such Scheme will vest in that new Province in whose territory it is situated, and therefore, no adjustment either of revenue or of expenditure will be required in relation to any such scheme.

VI. *Load*—Present connected load will continue. No industrial load of any type will be sanctioned in any area during this period.

As for general load, cases may arise where some trifling load may have to be sanctioned. This will be done by a Board consisting of Chief Engineer, West and Chief Engineer, East and in case of disagreement between them, the application under consideration will not be sanctioned.

Change of name either for general or industrial load may be sanctioned by Chief Engineer, West in the West Punjab and Chief Engineer, East in the East Punjab, provided there is no increase in load.

An exception to the sanction of new general connection will be made in the following cases:—

(*i*) Government offices which have moved from one new Province into the other.

(*ii*) Government employees, who were getting electric supply for their residences from Punjab, Public Works Department, Electricity Branch, before partition, and have moved from one new Province to the other.

Note :—(*i*) This concession will be made only in regard to load for lights, fans and refrigerators and domestic water supply. No heater load will be permitted.

(*ii*) Such connections may be sanctioned by Chief Engineer, West in the West Punjab and Chief Engineer, East in the East Punjab. In each case, the sanctioning Chief Engineer shall intimate the fact to the other Chief Engineer.

VII. *Portions of works of common interest*—(1) Power House and allied works in Mandi State.

(2) 132 kV. Transmission and Telephone Lines from Jogindernagar to Shalamar.

(3) 66 kV. Transmission and Telephone Lines from Shalamar to Ferozepore.

VIII. *Offices of common interest*—(1) Divisional Office of Executive Engineer, Maintenance and Test.

(2) Senior Sub-stations Engineer at Shalamar, so far as his duties a Power Controller are concerned.

IX. *Expenditure to be pooled together for Adjustment between the two zones*—(1) Working expenses on Power House and allied works in Mandi State.

(2) Expenditure of the establishment of the Resident Engineer, Jogindernagar.

(3) Working expenses of E. H. T. Transmission and Telephone Lines of common interest mentioned in paragraph VII above.

(4) Establishment and working expenses of Divisional Office of Executive Engineer, Maintenance and Test.

(5) Twenty-five per cent of the salary of Senior Sub-station Engineer for his work as Power Controller.

(6) Depreciation charges on the capital invested on lines and works of common interest.

(7) Interest on the capital invested at 4 per cent on lines and work of common interest.

X. *Ratio to be followed for dividing the expenditure*—Expenditure shall be divided between the two new Provinces in the ratio of units consumed in the notional areas of East Punjab and West Punjab during the financial year, 1946-47. This ratio works out to 43·45 for East Punjab as against 73·39 for West Punjab.

XI. *Revenue*—Each new Province will collect and retain the revenue for the portions of Local Distribution and Bulk Supply Schemes falling within its territory. There will be no adjustments between the two new Provinces on this account.

No. 493-Leg.—The following Order of the Governor of the Punjab under section 9 of the Indian Independence Act, 1947, is hereby published for general information :—

THE PUNJAB PARTITION (PUBLIC SERVICE COMMISSION) ORDER, 1947.

WHEREAS the Punjab Province is to be divided into two new Provinces, to be known as West Punjab and East Punjab respectively,—*vide* the provisions of section 4 of the Indian Independence Act (10 & 11, Geo 6, Ch. 20);

AND WHEREAS it is necessary to provide for the working of the Public Service Commission constituted for the Punjab Province under section 264, Government of India Act, 1935 (26 Geo. 5, Ch. 2) to continue after the appointed day ;

NOW, THEREFORE, in exercise of the powers conferred by clause (g) of subsection (1) read with subsection (2) of section 9 of the Indian Independence Act (10 & 11, Geo. 6, Ch. 30) and of all other powers enabling

him in this behalf, the Governor of the Punjab is pleased to make the following Order, namely :—

1. (1) This Order may be called the Punjab Partition (Public Service Commission) Order, 1947.

(2) It shall cease to have effect on the thirtieth day of September nineteen hundred and forty-seven.

2. In this Order, unless the context otherwise requires—

(a) the "appointed day" means the fifteenth day of August, nineteen hundred and forty-seven ;

(b) "new Province" means West Punjab or East Punjab or both the West Punjab and the East Punjab as the case may require.

3. The Punjab and North-West Frontier Province Joint Public Service Commission, consisting at present of the following persons, namely :—

(1) Sir Percy W. Marsh, C.S.I., C.I.E., I.C.S. (Retired)—*Chairman*

(2) Sardar Bahadur Sardar Mohan Singh, C.I.E. (on leave, Sardar Naunihal Singh Mann, officiating)

(3) Chaudhri Bharat Singh

(4) Khan Bahadur Mian Afzal Hussain, I.E.S. (Retired) and

(5) Haji Khan Mohammad Akbar Khan.

shall be deemed, after the appointed day also to be a Joint Public Service Commission for the two new Provinces of West Punjab and East Punjab.

4. Subject to the provisions of clause 7, the terms of the agreement subsisting immediately before the appointed day between the Punjab Province and the North-West Frontier Province in relation to the— present joint Commission of these two Provinces, shall have effect with such modifications as may be necessary, as an agreement between the two new Provinces and also between each new Province and the North-West Frontier Province ;

Provided that the Governor who shall discharge the functions described in section 265, Government of India Act, 1935, in respect of the staff of the Commission shall be the Governor of the West Punjab.

5. For the purposes of their duties in respect of each new Province, the Commission constituted by clause 3 shall sit at such place or places as may be fixed by the Governor of that new Province.

6. For the purposes of subsection (3) of section 266 of the Government of India Act, 1935 (26, Geo. 5, Ch. 2), the Punjab and North-West Frontier Province Joint Public Service Commission (Limitations of Functions) Regulations as in force immediately before the appointed day, shall continue to have force on and after the appointed day, in relation to the Joint Commission constituted under clause 3, until other provision is made in that regard.

7. All expenditure incurred on the Commission constituted under clause 3, on and after the apppointed day, shall be met in the first instance by the Province of West Punjab, and as respects such portion of such expenditure as is not met under the subsisting agreement by the North-West Frontier Province, adjustment of the respective liabilities as between the two new Provinces shall be made in accordance with such settlement as shall hereafter be arrived at between the two new Provinces regarding the apportionment of the liabilities of the Punjab Province incurred prior to the appointed day.

No. 494-Leg.—The following Order of the Governor of the Punjab under section 9 of the Indian Independence Act, 1947, is hereby published for general information :—

THE PUNJAB PARTITION (ELECTION COMMISSIONERS) ORDER, 1947.

WHEREAS in accordance with section 4 of the Indian Independence Act (10, 11 Geo. 6, Ch. 30) (hereinafter referred to as "the Act") the

Province of the Punjab shall cease to exist with effect from the 15th day of August, 1947, and there shall be constituted in its place, two new Provinces ;

AND WHEREAS it is necessary to make provision enabling the Governments of the two new Provinces to make proper orders for the more convenient distribution and disposal of the election petitions now being enquired into by Commissioners appointed under paragraph 4 of Part III of the Government of India (Provincial Elections) (Corrupt Practices and Election Petitions) Order, 1936 (hereinafter referred to as the "Order in Council").

NOW THEREFORE, in exercise of the power conferred by clause (c) of subsection (1) read with subsection (2) of section 9 of the Act, the Governor of the Punjab is pleased to make the following Order :—

1. This order may be called the Punjab Partition (Election Commissions) Order, 1947.

2. After paragraph 4 of Part III of the Order in Council, the following new paragraph shall be inserted, namely :—

"4-A(1) If at any time during the enquiry, the Governor is satisfied that it is inexpedient or impracticable for the enquiry into any petition to continue before the same Commissioners, the Governor may withdraw such petition from the jurisdiction of the said Commissioners, and thereupon the appointment of the said Commissioners shall be deemed to have been cancelled.

(2) As soon as may be after the making of an order under sub-paragraph (1), the Governor shall appoint three Commissioners for the further trial of the petition, and shall appoint one of them to be the President, as provided by paragraph 4 of this Part, and the enquiry shall proceed before such Commissioners as if the petition had been referred to them for trial in first instance ;

Provided that, notwithstanding anything contained in the rules made by the Punjab Government under paragraph 6 of Part III of the Order in Council, it shall not be necessary to publish the petition in the Gazette, if it has already been so published ;

Provided further that the Commissioners so appointed may direct that the evidence of any witness who has already been examined shall remain upon record, and in that case it shall not be necessary to reexamine such witness.

3. An order under sub-paragraph (1) or sub-paragraph (2) may be made by the Governor in respect of a single petition or any number of petitions."

No. 495-Leg.—The following Order of the Governor of the Punjab under section 9 of the Indian Independence Act, 1947, is hereby published for general information :—

THE PUNJAB PARTITION (TRAINING RESEARCH AND EDUCATIONAL INSTITUTIONS) ORDER, 1947.

WHEREAS the Punjab Province is to be partitioned in accordance with section 4 of the Indian Independence Act (10, 11 Geo 6, Ch. 30) into two new Provinces to be known as West Punjab and East Punjab respectively ;

AND WHEREAS it is necessary to make provision for the use after the appointed day by each of the two new Provinces of the educational and research institutions and training institutes specified in the Schedule annexed hereto ;

NOW, THEREFORE, in exercise of the powers conferred by clause (g) of subsection (1) read with subsection (2) of section 9 of the aforesaid Act, and of all other powers enabling him in this behalf the Governor of the Punjab is pleased to make the following Order, namely :—

1. (1) This Order may be called the Punjab Partition (Training Research and Educational Institutions) Order, 1947.

(2) It shall come into force on the appointed day.

2. In this Order, the expression "appointed day" means the fifteenth day of August nineteen hundred and forty-seven.

3. The control and management of each institution and institute specified in column 2 of the Schedule annexed hereto shall vest in that new Province in whose territory such institution or institute is situated (hereinafter referred to as the "Controlling Province".)

4. (1) Except as hereinafter provided in relation to the King Edward Medical College, Lahore, the Glancy Medical College, Amritsar and the post-graduate course at the Punjab Veterinary College, in each such institution and institute the Controlling Province shall reserve for nominees of the other Province (hereinafter referred to as the "external Province") at the time of making admissions to the courses specified in column 3 of the Schedule in the academic years specified in column 6, the number of seats specified in column 4 headed "seats allocated to West Punjab" or in column 5 headed "seats allocated to East Punjab" as the case may be.

(2) (a) In case the Glancy Medical College, Amritsar, is disaffiliated by the Punjab University, the Controlling Province shall reserve at the admission to the M.B., B.S. Class at the King Edward Medical College, Lahore, in the academic years 1947, 1948 and 1949, twenty-six seats for nominees of the East Punjab Province.

(*b*) In case the Glancy Medical College is not disaffiliated as aforesaid, the number of seats reserved for nominees of the East Punjab Province under sub-clause (*a*) shall be reduced to ten and at the same time the Controlling Province shall reserve ten seats at the admission to the M.B.,B.S. Class at the Glancy Medical College, Amritsar in the academic years 1947, 1948 and 1949, for nominees of the West Punjab Province.

(3) The Controlling Province shall admit to the post-graduate courses at the Punjab Veterinary College (specified at item 35 in the annexed Schedule) to be held in the years 1947, 1948 and 1949 all Graduates of the Punjab Veterinary College who immediately before the appointed day were employed by the Punjab Government and who intend by completing the course to qualify for promotion to class II of the Provincial Veterinary Service.

(4) Subject to the regulations in respect of discipline, examination tests and other requirements for retention in the several institutions and institutes specified in the Schedule annexed hereto, every student from an external Province who is admitted to a course under any of the proceeding sub-clauses shall be permitted to complete the full term of the course as set out in column 3 of the Schedule.

5. (1) In respect of each student from an external Province admitted to an institution or institute under the last proceeding clause an annual capitation fee shall be paid by such Province to the Controlling Province.

(2) The amount of such capitation fee shall be calculated on a cost basis, account being taken of the pensions which will ultimately be payable to and in respect of the staff, but no account being otherwise taken of capital expenditure incurred before the appointed day:

Provided that such fee shall in no case exceed the charge made in respect of other persons resident outside the territory of the two new Provinces who are admitted to the same course.

6. The provisions of this order governing reservation of seats for nominees of the two new Provinces in the institutions and institutes to which this order relates, shall be subject to modification if and when a decision is reached between the two independent Dominions of India and Pakistan in regard to the use of similar institutions and institutes which immediately before the appointed day were maintained and controlled by the Government of India.

THE SCHEDULE

Serial No.	Name of institution	Name of course or class	Seats allocated to		Period of allocation
			West Punjab	East Punjab	
1	2	3	4	5	6
1	Agricultural College, Lyallpur ..	B.Sc. Class, 4 years ..	..	26	1947 and 1948.
2	Ditto ditto ..	M.Sc. Class, 2 years ..	..	5	1947 and 1948.
3	Punjab College of Engineering and Technology, Lahore.	A Class (B.Sc.), 5 years	..	21	1947 and 1948.
4	Ditto ditto	B Class (Engineering) Certificate, 5 years.	..	15	1947 and 1948.
5	Ditto ditto	C Class (Artisans), 3 years.	..	5	1947 and 1948.
6	Engineering School, Rasul ..	Overseers and Draftsmen, 2 years.	..	84	1947 and 1948.
7	Engineering School, Rasul ..	Surveyors, 9 months ..	..	3	1947 and 1948.
8	Central Training College, Lahore	B.T., 1 year ..	..	52	1947 only.
9	Lady Maclagan Training College for Women, Lahore.	J.A.-V., 2 years ..	..	9	1947 only.
10	Ditto ditto	B.T., 1 year ..	..	12	1947 only.
11	Queen Mary College, Lahore ..	School Course, 3 years	..	35	1947 only.
12	Government College, Lahore ..	B.Sc. (Hons.), 3 years/ 2 years.	..	8	1947 only.
13	Ditto ditto ..	M.Sc., 1 year ..	..	5	1947 only.
14	Ditto ditto ..	M.A. (Pass), 2 years ..	..	35	1947 only.
15	Epidemiological Bureau, Lahore	Sanitary Inspectors Class, 10 months.	..	28	1947 only.
16	Institute of Textile Technology, Amritsar.	High Class, 2 years ..	39	..	1947 and 1948.
17	Ditto ditto	Artisan, 1 year ..	39	..	1947 and 1948.
18	Training Institute, Jullundur ..	A class, 3 years ..	7	..	1947 and 1948.
19	Ditto ditto ..	Artisan, 2 years ..	7	..	1947 and 1948.
20	Weaving Demonstration Factory, Shahdara.	A Class, 3 years ..	..	2	1947 and 1948.
21	Ditto ditto ..	B Class, 2 years ..	..	2	1947 and 1948.
22	Ditto ditto ..	C Class, 2 years ..	..	2	1947 and 1948.
23	Institute of Dyeing and Printing, Shahdara.	Foremen Dyers, $2\frac{1}{2}$ years.	..	12	1947 and 1948.
24	Ditto ditto ..	Artisan, etc., $1\frac{1}{2}$ years	..	12	1947 and 1948.
25	Hosiery Institute, Ludhiana ..	A Class, 2 years ..	8	..	1947 and 1948.
26	Ditto ditto ..	B Class and workers, 1 year.	12	..	1947 and 1948.
27	Mayo School of Arts, Lahore ..	Modelling Lacquer ..	..	4	1947 and 1948.
28	Ditto ditto ..	Turning ..	..	3	1947 and 1948.
29	Ditto ditto ..	Fine Arts ..	..	5	1947 and 1948.
30	Ditto ditto ..	Design Department ..	..	3	1947 and 1948.
31	King Edward Medical College, Lahore.	M.B.,B.S., 5 years ..	..	..	..
32	Glancy Medical College, Amritsar.	M.B.,B.S., 5 years ..	..	..	..
33	DeMontmorency College of Dentistry, Lahore.	B.D.S. ..	..	7	1947, 1948 and 1949.
34	Punjab Veterinary College, Lahore.	B.V.Sc., $4\frac{1}{2}$ years ..	..	15	1947 and 1948.
35	Ditto ditto ..	Post-graduate course meant for G. P. V. C.'s 9 months.	..	..	1947, 1948 and 1949.

No. 496-Leg.—The following Order of the Governor of the Punjab under section 9 of the Indian Independence Act, 1947, is hereby published for general information :—

THE PUNJAB PARTITION (MISCELLANEOUS INSTITUTIONS) ORDER, 1947.

WHEREAS the Punjab Province is to be divided into two new provinces to be known as West Punjab and East Punjab respectively, as provided by section 4 of the Indian Independence Act (10 and 11 Geo. 6, Ch. 30)

AND WHEREAS it is necessary to make provision for the use after the appointed day by each of the new Provinces of the institutions specified in the schedule annexed hereto ;

NOW, THEREFORE, in exercise of the power conferred by clause (g) of subsection (1) read with subsection (2) of section 9 of the aforesaid Act, and of all other powers enabling him in this behalf, the Governor of the Punjab is pleased to make the following Order, namely :—

1. (1) This order may be called the Punjab Partition (Miscellaneous Institutions) Order, 1947.

(2) It shall come into effect on the appointed day.

2. In this order, the expression "appointed day" means the fifteenth day of August, nineteen hundred and forty-seven.

3. With effect from the appointed day, every institution, including the institutions specifed in the schedule annexed hereto, which immediately before the appointed day vested in the Punjab Province, and for which no other provision has been made elsewhere shall vest in that new Province in whose territory each such institution is situated (hereinafter referred to as the "Controlling Province", the other new Province being referred as the "external Province).

4. With effect from the appointed day, the controlling Province shall be bound to allow to the external Province, in relation to each institution specified in column 2 of the schedule annexed hereto, the facilities specified in column 3, for the period specified in column 4 and on the terms specified in column 5.

5. The provisions of clause 4 shall be subject to modification if and when a decision is reached between the two independent Dominions of India and Pakistan regarding allocation of the like facilities in relation to institutions which immediately before the appointed day vested in the Government of India:—

Serial No.	Name of Institution or Class of Institution	Facilities reserved to the external province	Period of reservation	Terms on which, and extent to which facilities are to be enjoyed.
1	2	3	4	5
1	Industrial Research Laboratory, Lahore.	To require analytical work to be done on request.	Three years with effect from 15th August 1947.	On payment of fees at the rates payable for similar work immediately before the appointed day.
2	Central Irrigation Workshop, Amritsar.	To require necessary work to be done up to the percentage of the working capacity allotted to such province by mutual agreement.	Three years with effect from 15th August 1947 and such further period as may be agreed upon.	On payment at the rates paid by the Controlling Province for similar work.
3	Irrigation Research Institute, Lahore.	To obtain scientific information relating to irrigation problems, and to have research work carried out on request.	Three years with effect from 15th August 1947.	No charge to be made for furnishing information. Fees for research work to be charged at the rates payable for similar work immediately before the appointed day.

Serial No.	Name of Institution or Class of Institution	Facilities reserved to the external province	Period of reservation	Terms on which, and extent to which facilities are to be enjoyed
1	2	3	4	5
4	Cattle Farm, Hissar	(a) supply of pedigree bulls, (b) supply of donkey stallions, (c) breeding of Lohi sheep, and (d) carrying out of research and investigation on request.	Up to the 31st December 1949.	(a) One hundred bulls per year to be supplied at Rs. 400 each. (b) and (c) the number to be supplied or bred per year will be the average number supplied to, or bred for the territories comprised in the external Province, during the five years immediately preceding the appointed day. Charges to be settled by mutual agreement between the two Provinces. (d) On payment of the charges payable for similar work immediately before the appointed day.
5	Jails	To require convicted and under-trial prisoners and detenus who are confined in Jails immediately before the appointed day, to be kept in such jails, on and after the appointed day.	Six months from the 15th August 1947.	On payment of the usual charges, viz., the cost per prisoner of feeding, clothing, care and custody, as well as *pro-rata* overhead charges.
6	Punjab Mental Hospital, Lahore.	To require patients who are residents of the external province to be admitted to the Hospital, subject to accommodation being available.	Three years with effect from the 15th August 1947.	On payment of capitation charges, viz., the cost per prisoner of feeding, clothing, care and custody, as well as *pro-rata* overhead charges.
7	Police Training School, Phillaur.	Reservation at admissions to the various classes of such number of seats for nominees of the external province as may be agreed upon by the two Inspectors-General of Police.	All admissions made up to the 31st December 1947.	On payment of a capitation fee per pupil which shall be calculated on a cost basis, account being taken of which will be payable to and in respect of the staff, but no account being taken of capital expenditure incurred before the appointed day: Provided that such fee shall not exceed the charge made in respect of pupils who are not nominated by either of the new Provinces.
8	Finger Print Bureau, Phillaur.	Equal facilities with the Controlling Province.	Six months from the 15th August 1947.	On payment of a share of the cost of the Bureau equal to the share of the general financial liability of the Punjab Province which is to be borne by the external Province.

No. 497-Leg.—The following Order of the Governor of the Punjab under section 9 of the Indian Independence Act, 1947, is hereby published for general information :—

THE PUNJAB PARTITION (CIVIL SERVICES) ORDER, 1947

WHEREAS in accordance with section 4 of the Indian Independence Act (10 and 11 Geo 6 Ch. 30) the Punjab Province is to be partitioned into two new Provinces to be known as West Punjab and East Punjab respectively ;

AND WHEREAS it is necessary to make provision for certain officials of the Punjab Province who will continue to serve in one or other of the new Provinces, on and after the appointed day ;

NOW, THEREFORE, in exercise of his powers under section 9 of the aforesaid Act, the Governor of the Punjab is pleased to make the following Order, namely:—

1. (1) This Order may be called the Punjab Partition (Civil Services) Order, 1947.

(2) It shall come into force on the appointed day.

2. In this Order, unless the context otherwise requires—

(a) "the appointed day" shall mean the fifteenth day of August, nineteen hundred and forty-seven ;

(b) "new Province" shall mean West Punjab or East Punjab or both, as the context may require.

3. Subject to the provisions of clause 4, every person who immediately before the appointed day was serving the Punjab Province as an official shall with effect from the appointed day,

(a) be deemed to be serving that new Province under whose authority he is serving on the appointed day ; and

(b) shall be entitled to receive from the Government of such new Province, the same conditions of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or as the case may be as respects the tenure of his office, or rights as similar thereto as changed circumstances may permit, as that person was entitled to immediately before the appointed day.

4. (1) If on the appointed day, any person who immediately before such day was in the service of the Punjab Province is by arrangement serving in that one of the two new Provinces for which he has not expressed a preference, such person will be treated as having been lent by the new Province of his choice (hereinafter referred to as the "lending province") to the new Province where he is serving (hereinafter referred to as the "borrowing Province").

(2) The period of the loan shall be such period as is necessary for the borrowing Province to make other arrangements, and may be terminated also in one of the following ways, namely :—

(a) at the request of the borrowing Province, in which case the lending Province shall arrange to take the official back within three months of the making of the request ;

(*b*) at the request of the lending Province, in which case the borrowing Province shall arrange to relieve the official of his duties within three months of the making of the request ; or

(*c*) at the request of the official, in which case, the borrowing Province shall, in consultation with the lending Province arrange to relieve him of his duties as early as may be.

(3) (*a*) Except as hereinafter provided, the terms and conditions of service of lent officials shall be as provided in sub-clause (*b*) of clause 3, and every official shall be entitled to complete equality of treatment with other employees of the borrowing Province holding equivalent posts, in regard to ordinary promotion as well as selection for administrative and other higher posts.

(*b*) The borrowing Province shall not have power, without the consent of the lending Province to impose any punishment of a disciplinary nature on a lent official, other than—

(*i*) censure or

(*ii*) withholding of one annual increment but with out effect on future increments and every such imposition of punishment shall be reported without delay to the lending Province.

(c) In any case where in the opinion of the borrowing Province, more severe punishment is necessary, the lent official may be suspended by the borrowing Province, which shall report the suspension without delay to the lending Province. Departmental proceedings (including an enquiry and reference, where necessary, to a Public Service Commission) shall then be held, under the orders of the borrowing Province, but no punishment shall be imposed except with the consent of the lending Province, given after the record of the proceedings has been forwarded to it by the borrowing Province. Where such consent is given, and punishment is imposed by the borrowing Province, such punishment shall be without prejudice to the right of the borrowing Province to require that the official concerned shall be reverted to the lending Province. Where such consent is not given, such official shall forthwith be reverted to the lending Province, and disciplinary action against him will be within the discretion of such Province.

(d) The liability, if any, of the borrowing Province for the leave and pension of a lent official shall be determined by the two new Provinces by mutual agreement.

(e) The borrowing Province shall be liable to pay compensation to a lent official, or his next-of-kin, if he suffers injury or death as the result of a communal crime or disturbance, in the territory of the borrowing Province. The form and amount of such compensation shall be determined in accordance with rules to be framed, by mutual agreement, after consultation between the two new Provinces. (Until such time as the rules are duly framed the compensation payable shall be such amount as may be fixed by the borrowing Province after consultation with the lending Province).

(4) The provisions of this clause shall not apply in respect of any person unless immediately before the appointed day he was a member of an All-India Service or a Provincial Service, or held the rank of gazetted officer.

5. (1) On or after the appointed day, in respect of liabilities and causes of action which may have accrued before the appointed day in favour of any official employed by or under the Punjab Province against the said Province, or in favour of the Punjab Province against any such official—

(a) a suit may be brought by such official at any place where the cause of action accrued to him, or if such place is not determinable, in any competent court of the new Province in which he is resident or is serving at the date of the suit, and every such plaintiff shall implead each new Province as defendent ; and

(b) the new Province in which such official is resident or serving may bring a suit against him in any of its Courts having jurisdiction to hear and decide such suit, after having consulted the other new Province.

(2) In any suit of the kinds mentioned in sub-clause (1) which may be pending on the appointed day, the Court on the application of either party, where the Punjab Province is the plaintiff, shall substitute in its place that new Province in whose territory such Court is situated, and where the Punjab Province is the defendant, shall substitute in its place the names of both the new Provinces, and necessary notice of the change shall be given to the parties, according as may be necessary.

(3) Any damages or costs which, as a result of any suit of the kinds mentioned in sub-clause (1) may be decreed against or in favour of one or both of the new Provinces shall be shared by them in such proportion as the court may order and failing such order in such proportion as may be mutually agreed between the two new Provinces.

6. The provisions of this order shall not apply in the case of any person other than a person whose terms and conditions of service immediately before the appointed day were governed by the Civil Services Rules (Punjab) or by rules made under section 241 of the Government of India Act, 1935.

No. 498-Leg.—The following Order of the Governor of the Punjab under section 9 of the Indian Independence Act, 1947, is hereby published for general information :—

THE PUNJAB PARTITION (LEAVE SALARIES) ORDER, 1947

WHEREAS the Punjab Province is to be partitioned in accordance with section 4 of the Indian Independence Act, 1947 (10 and 11 Geo. 6, Ch. 30) into two new Provinces, to be known as West Punjab and East Punjab respectively;

AND WHEREAS it is necessary to make provision respecting payments of leave salary to certain persons serving in connection with the affairs of the Punjab Province ;

NOW, THEREFORE, in exercise of the power conferred by clause (*b*) of subsection (1) read with subsection (2) of section 9 of the said Act, and of all other powers enabling him in this behalf, the Governor of the Punjab is pleased to make the following Order, namely :—

1. (1) This Order may be called the Punjab Partition (Leave Salaries) Order, 1947.

(2) It shall come into force on the appointed day.

2. In this Order, unless the context otherwise requires, the expression "appointed day" shall mean the fifteenth day of August, nineteen hundred and forty-seven.

3. The liability of the Punjab Province to pay leave salary to persons serving in connection with its affairs who have proceeded on leave, preparatory to retirement, or may so proceed, before the appointed day, shall on and after the appointed day be divided between the two new Provinces of West Punjab and East Punjab in the proportion in which the general financial liability of the Punjab Province is divided between the said new Provinces.

No. 499-Leg.—The following Order of the Governor of the Punjab, under section 9 of the Indian Independence Act, 1947, is hereby published for general information :—

THE PUNJAB PARTITION (PAYMENT OF PENSIONS) ORDER, 1947

WHEREAS the Punjab Province is to be divided into two new Provinces to be known as West Punjab and East Punjab, respectively, in accordance with section 4 of the Indian Independence Act (10 and 11 Geo. 6, Ch. 30);

AND WHEREAS it is necessary to make certain provision for payment of pensions to pensioners of the Punjab Government to continue after the appointed day.

NOW, THEREFORE, in exercise of the powers conferred by clause (b) of subsection (1) read with subsection (2) of section 9 of the aforesaid Act, and of all other powers enabling him in this behalf, the Governor of the Punjab is pleased to make the following Order, namely :—

1. (1) This order may be called the Punjab Partition (Payment of Pensions) Order, 1947.

(2) It shall come into effect on the appointed day.

2. In this order, unless the context otherwise requires—

(a) "the appointed day" means the fifteenth day of August, nineteen hundred and forty-seven and

(b) "new Province" means West Punjab or East Punjab, as the case may be.

3. Every retired employee of the Punjab Province, who immediately before the appointed day was drawing a pension from the Punjab Province in respect of his service under that Province shall be entitled after the appointed day, to continue to draw his pension in the same manner and at or through the same treasury or sub-treasury.

4. Every such pensioner, who immediately before the appointed day drew his pension at or through any treasury or sub-treasury situated in an area comprised in the territory of one of the new Provinces shall be entitled, subject to the rules and regulations in force for the time being, to require that the place of drawal shall be transferred to a place

of his choice situated in the area comprised within the territory of the other new Province.

5. In respect of all pensions to which this order relates, and of all pensions granted by either of the new Provinces on or after the appointed day, which have been earned wholly or in part by service under the Punjab Province the extent of the respective financial liabilities of the two new Provinces shall be settled between them by mutual agreement and such agreement shall be subject:—

(*a*) to modification, if and when a decision is reached on the subject of division of liability for pensions between the new Dominions of India and Pakistan, and

(*b*) to any adjustment which may be rendered necessary by any transfers of place of drawal of pensions under clause 4.

NAWAB SINGH

Secretary to Government, Punjab
Legislative Department

60 LR - 50—7-10-47—SGWP Lahore

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LAHORE, THURSDAY, AUGUST 14, 1947

HOME DEPARTMENT

ELECTIONS

The 14th August 1947

No. 1640-A/EPC/47—Whereas the Governor of the unjab is satisfied that by reason of the partition of the unjab, it is impracticable for the enquiry into the election titions specified in the Schedule to this order to continue ...e the First Election Petitions Commission composed (1) Mr. S. M. Burke, I.C.S. (President), (2) Mr. Jamil sghar and (3) Rai Bahadur Parmanand on and after the th August 1947 ;

Now, therefore, in exercise of the power conferred by ragraph 4-A of the Government of India (Provincial lections) (Corrupt Practices and Election Petitions) Order 36, as amended by the Punjab Partition (Election Comissions) Order, 1947, the Governor of the Punjab is pleased withdraw from the jurisdiction of the aforesaid Comission consisting of (1) Mr. S. M. Burke, I.C.S. (President),) Mr. Jamil Asghar and (3) Rai Bahadur Parmanand the ection petitions specified to the schedule annexed hereto—

SCHEDULE

1. Mr. Harwant Singh *vs.* Mehta Ranbir Singh, Ludana and Ferozepore (General) Constituency.
2. Khan Sahib Abdul Rahim *vs.* M. Abdul Ghafoor, akargarh (Muhammadan) Constituency.
3. Chaudhri Amar Chand *vs.* Chaudhri Mehr Chand, oshiarpur West (General) Constituency.
4. Mian Muhammad Sarwar *vs.* Nawab Iftikhar Husin, Ferozepore (Muhammadan) Constituency.
5. Katar Singh *vs.* Rattan Singh, Ferozepore North ikh) Constituency.
6. Sodhi Harnam Singh *vs.* Rattan Singh, Ferozepore orth (Sikh) Constituency.
7. Chaudhri Mula Singh *vs.* Chaudhri Mangoo Ram, oshiarpur West (General) Constituency.
8. Lala Bhagat Ram *vs.* Seth Kishan Dass, Jullundur eneral) Constituency.
9. Surmukh Singh *vs.* S. Indar Singh, Eastern Towns ikh) Constituency.
10. Fiaz-ul-Hassan *vs.* Sarfraz Khan, Sialkot Central luhammadan) Constituency.
11. S. Nasrullah Khan *vs.* Mian Muhammad Ibrahim urq, Alipur (Muhammadan) Constituency.
12. Gopi Chand *vs.* Lala Kidar Nath Saihgal, Amritsar d Sialkot (General) Constituency.
13. Khan Sahib Amir Abdullah Khan *vs.* Muhammad bdullah Khan, Mianwali South (Muhammadan) Constituency.
14. Chaudhri Hussain Ali Khan *vs.* Shahadat Khan, ankana Sahib (Muhammadan) Constituency.
15. Khan Bahadur Muhammad Hussain *vs.* Chaudhri affarullah Khan, Gujranwala East (Muhammadan) Constituency.
16. Khan Bahadur Raja Fateh Khan *vs.* Kale Khan, awalpindi East (Muhammadan) Constituency.
17. Malik Muhammad Akram *vs.* Major Ashiq Hussain, ultan (Muhammadan) Constituency.
18. Malik Qadir Bakhsh *vs.* M. Ghulam Jilani, Muzaffarrh North (Muhammadan) Constituency.
19. Sardar Ghaus Bakhsh *vs.* Sardar Bahadur Khan, ra Ghazi Khan North (Muhammadan) Constituency.
20. Chaudhri Kartar Singh *vs.* Mehr Chand, Hoshiarpur West (General) (If still pending with the Commission).

No. 1640-B/EPC/47—Whereas the Governor of the Punjab is satisfied that by reason of the partition of the Punjab, it is impracticable for the enquiry into the election petitions specified in the Schedule to this order to continue before the Second Election Petitions Commission composed of (1) Mr. Shambhu Lal Puri (President), (2) S. B. Kartar Singh, and (3) Mr. G. H. Lodhi, on and after the 15th August 1947 ;

Now, therefore, in exercise of the power conferred by paragraph 4-A of the Government of India (Provincial Elections) (Corrupt Practices and Election Petitions) Order, 1936, as amended by the Punjab Partition (Election Commissions) Order, 1947, the Governor of the Punjab is pleased to withdraw from the jurisdiction of the aforesaid Commission consisting of (1) Mr. Shambhu Lal Puri (President), (2) S. B. Kartar Singh, and (3) Mr. G. H. Lodhi, the election petitions specified to the schedule annexed hereto :—

SCHEDULE

1. Chaudhri Nur Khan *vs.* Raja Mohd. Sarfraz Ali Khan, Chakwal (Muhammadan) Constituency.
2. Talib Hussain Khan *vs.* Mohd. Arif Khan, Jhang West (Muhammadan) Constituency.
3. Khan Mohd. Khan, *vs.* Muhammad Hussain, Sheikhupura (Muhammadan) Constituency.
4. Khaliq Dad Khan *vs.* Kh. Abdul Sattar Khan Mianwali North (Muhammadan) Constituency.
5. Khan Bahadur Pir Mohd. *vs.* Chaudhri Bahawal Bakhsh, South-East Gujrat (Muhammadan) Constituency.
6. Mian Abdul Aziz *vs.* Mian Mohd. Rafiq, Outer Lahore (Muhammadan) Constituency.
7. S. Sampuran Singh *vs.* Hon'ble Sardar Baldev Singh, Ambala North (Sikh) Constituency.
8. Rab Nawaz Khan *vs.* Chaudhri Aziz-ud-Din, Lyallpur (Muhammadan) Constitenncy.
9. Khan Bahadur Haibat Khan *vs.* Pir Budhan Shah Khanewal (Muhammadan) Constituency.
10. Nawab Chaudhri Mohd. Din *vs.* M. Mumtaz Mohd. Khan, Sialkot South (Muhammadan) Constituency.
11. Major Raja Mohd. Abdullah *vs.* Ch. Salah-ud-Din, Gujranwala North (Muhammadan) Constituency.
12. Raja Mohd. Yaqub *vs.* Raja Ghazanfar Ali Khan, Pind Dadan Khan (Muhammadan) Constituency.
13. Khan Sahib Ahmad Yar Khan *vs.* Jahana, North West Gujrat (Muhammadan) Constituency.
14. Mohd. Akram Khan *vs.* Mumtaz Ali Khan, Attock North (Muhammadan) Constituency.
15. Khan Bahadur Mian Fazal Karim *vs.* Khan Bahadur Abdul Hamid, Muzaffargarh Sadr (Muhammadan) Constituency.
16. Rajab Ali Khan *vs.* Mir Mohd. Khan, Samundri (Muhammadan) Constituency.
17. Mohd. Hussain Khan *vs.* Sayyed Nau Bahar Shah, Kabirwala (Muhammadan) Constituency.
18. Nur Hussain *vs.* Mian Sultan Ali Nagiana, Shahpur (Muhammadan) Constituency.
19. Sultan Ahmad Khan *vs.* Sh. Fazal Haq Piracha, Bhalwal (Muhammadan) Constituency.
20. Abdul Ghafur *vs.* Honourable Malik Sir Khizar Hayat Khan, Khushab (Muhammadan) Constituency.

21. Mohd. Ashraf *vs* Chaudhri Ghulam Rasul, South-West Gujrat (Muhammadan) Constituency.

22. Captain Mian Fateh Mohd. *vs.* Mr. Fazal Ilahi, Gujrat North (Muhammadan) Constituency.

No. 1640-C/EPC/47—Whereas the Governor of the Punjab is satisfied that by reason of the partition of the Punjab, it is impracticable for the enquiry into the election petitions specified in the Schedule to this order to continue before the Third Election Petitions Commission composed of (1) Mr. Shiv Manchanda (President), (2) Khan Sahib Sheikh Laiq Ali and (3) S. Mehr Singh Chadah on and after the 15th August 1947;

Now, therefore, in exercise of the power conferred by paragraph 4-A of the Government of India (Provincial Elections) (Corrupt Practices and Election Petitions) Order 1936, as amended by the Punjab Partition (Election Commissions) Order, 1947, the Governor of the Punjab is pleased to withdraw from the jurisdiction of the aforesaid Commission consisting of (1) Mr. Shiv Manchanda (President), (2) Khan Sahib Sheikh Laiq Ali and (3) S. Mehr Singh Chadah, the election petitions specified to the Schedule annexed hereto :—

SCHEDULE

1. Nasir-ud-Din Shah, *vs.* Mian Nur Ullah, Toba Tek Singh (Muhammadan) Constituency.

2. Nur Muhammad, *vs.* Mian Abdul Haq, Okara (Muhammadan) Constituency.

3. Yasin Khan, *vs.* M. Ahmad Jan, North-West Gurgaon (Muhammadan) Constituency.

4. Imrat Khan, *vs.* M. Mahtab Khan, South-East Gurgaon (Muhammadan) Constituency.

5. Rai Sahib Ram Jawaya Kapur, *vs.* Rai Baha Ganga Saran, Trade Union Labour Constituency.

6. Rana Muhammad Hussain, *vs.* Rana Nasrul Khan, Hoshiarpur West (Muhammadan) Constituency.

7. Khan Bahadur Badar Mohy-ud-Din, *vs.* Chau Fateh Muhammad Sial, Batala (Muhammadan) Constituen

8. M. Muhammad Shafi Ali Khan, *vs.* Muham Khurshid Khan, Rohtak (Muhammadan) Constituency.

9. Muhammad Shafi, *vs.* Muhammad Iqbal Ahm Khan, Ludhiana (Muhammadan) Constituency.

10. S. Autar Singh, etc., *vs.* S. Jaswant Singh, Nor West Punjab (Sikh) Constituency.

11. S. Saudagar Singh and others, *vs.* S. Ujjal Si Western Towns (Sikh) Constituency.

12. S. Rashid Ahmad, *vs.* Nawab Muzaffar Ali K Lahore (Muhammadan) Constituency.

13. Chaudhri Muhammad Abdul Rahman Khan, Abdus Salam, Jullundur North (Muhammadan) Constitue

14. Qalandar Hussain Shah, *vs.* Malik Allah Bak Tiwana, Sargodha (Muhammadan) Constituency.

15. Chaudhri Muhammad Lal Khan, *vs.* Chaudhri S Dad Khan, Hissar (Muhammadan) Constituency.

16. Syed Mahmud Shah, *vs.* Khawja Ghulam Sa Southern Towns (Muhammadan) Constituency.

17. S. Umrao Singh and others, *vs.* S. Sarmukh Si Ambala North (Sikh) Constituency.

W. G. KENNEDY

Secretary to Government, Punjab
Industries and Reconstruction Departme
and Elections Commissio

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LAHORE, FRIDAY, AUGUST 15, 1947

HOME DEPARTMENT

General

NOTIFICATIONS

The 15th August 1947

No. 4949-PP-47/50001—Whereas His Majesty the King has been graciously pleased by Commission passed under the Sign Manual to appoint His Excellency Sir Robert Francis Mudie, K.C.S.I., K.C.I.E., O.B.E., to be Governor of the Province of West Punjab in succession to His Excellency Sir Evan Meredith Jenkins, K.C.S.I., K.C.I.E., I.C.S., it is hereby notified that His Excellency Sir Robert Francis Mudie, K.C.S.I., K.C.I.E., O.B.E., has on the forenoon of this day taken the prescribed Oaths and has entered upon the duties of his office.

By order of the Governor

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LAHORE, FRIDAY, AUGUST 15, 1947

POLITICAL AND PASSPORTS BRANCH

NOTIFICATION

The 15th August 1947

No. 5010-PP-47/50683—The following Order by His Excellency the Governor-General of Pakistan is published for general information :—

ORDER

1. I, Mohammad Ali Jinnah, Governor-General of Pakistan, hereby declare that all laws that were in force in the Baluchistan tribal areas including the Marri and Bugti tribal areas and in such of the Baluch tribal areas adjoining the Dera Ghazi Khan district of the Punjab as are not included in Baluchistan on the 14th day of August 1947, will continue to be in force, and all subsidies and allowances hitherto paid will continue to be paid by the Government of Pakistan, until such time as the tribes concerned can be consulted.

2. The Hon'ble the Chief Commissioner of British Baluchistan and His Excellency the Governor of the West Punjab will act as the Agents to the Governor-General in respect of the said Baluchistan and Punjab tribal areas respectively.

M. A. JINNAH

Governor-General

AKHTER HUSAIN

Chief Secretary to Government, West Punjab

981 CS—1515—14-8-47—SGPP Lahore.

21. Mohd. Ashraf *vs* Chaudhri Ghulam Rasul, South-West Gujrat (Muhammadan) Constituency.

22. Captain Mian Fateh Mohd. *vs.* Mr. Fazal Ilahi, Gujrat North (Muhammadan) Constituency.

No. 1640-C/EPC/47—Whereas the Governor of the Punjab is satisfied that by reason of the partition of the Punjab, it is impracticable for the enquiry into the election petitions specified in the Schedule to this order to continue before the Third Election Petitions Commission composed of (1) Mr. Shiv Manchanda (President), (2) Khan Sahib Sheikh Laiq Ali and (3) S. Mehr Singh Chadah on and after the 15th August 1947;

Now, therefore, in exercise of the power conferred by paragraph 4-A of the Government of India (Provincial Elections) (Corrupt Practices and Election Petitions) Order 1936, as amended by the Punjab Partition (Election Commissions) Order, 1947, the Governor of the Punjab is pleased to withdraw from the jurisdiction of the aforesaid Commission consisting of (1) Mr. Shiv Manchanda (President), (2) Khan Sahib Sheikh Laiq Ali and (3) S. Mehr Singh Chadah, the election petitions specified to the Schedule annexed hereto :—

SCHEDULE

1. Nasir-ud-Din Shah, *vs.* Mian Nur Ullah, Toba Tek Singh (Muhammadan) Constituency.

2. Nur Muhammad, *vs.* Mian Abdul Haq, Okara (Muhammadan) Constituency.

3. Yasin Khan, *vs.* M. Ahmad Jan, North-West Gurgaon (Muhammadan) Constituency.

4. Imrat Khan, *vs.* M. Mahtab Khan, South-East Gurgaon (Muhammadan) Constituency.

5. Rai Sahib Ram Jawaya Kapur, *vs.* Rai B Ganga Saran, Trade Union Labour Constituency.

6. Rana Muhammad Hussain, *vs.* Rana Na Khan, Hoshiarpur West (Muhammadan) Constituenc

7. Khan Bahadur Badar Mohy-ud-Din, *vs.* Ch Fateh Muhammad Sial, Batala (Muhammadan) Constit

8. M. Muhammad Shafi Ali Khan, *vs.* Muha Khurshid Khan, Rohtak (Muhammadan) Constituenc

9. Muhammad Shafi, *vs.* Muhammad Iqbal A Khan, Ludhiana (Muhammadan) Constituency.

10. S. Autar Singh, etc., *vs.* S. Jaswant Singh, N West Punjab (Sikh) Constituency.

11. S. Saudagar Singh and others, *vs.* S. Ujjal S Western Towns (Sikh) Constituency.

12. S. Rashid Ahmad, *vs.* Nawab Muzaffar Ali K Lahore (Muhammadan) Constituency.

13. Chaudhri Muhammad Abdul Rahman Khan Abdus Salam, Jullundur North (Muhammadan) Constitue

14. Qalandar Hussain Shah, *vs.* Malik Allah Ba Tiwana, Sargodha (Muhammadan) Constituency.

15. Chaudhri Muhammad Lal Khan, *vs.* Chaudhri S Dad Khan, Hissar (Muhammadan) Constituency.

16. Syed Mahmud Shah, *vs.* Khawja Ghulam Sa Southern Towns (Muhammadan) Constituency.

17. S. Umrao Singh and others, *vs.* S. Sarmukh Si Ambala North (Sikh) Constituency.

W. G. KENNEDY

Secretary to Government, Punjab
Industries and Reconstruction Departm
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LAHORE, FRIDAY, AUGUST 15, 1947

HOME DEPARTMENT

General

NOTIFICATIONS

The 15th August 1947

No. 4949-PP-47/50001—Whereas His Majesty the King has been graciously pleased by Commission passed under the Sign Manual to appoint His Excellency Sir Robert Francis Mudie, K.C.S.I., K.C.I.E., O.B.E., to be Governor of the Province of West Punjab in succession to His Excellency Sir Evan Meredith Jenkins, K.C.S.I., K.C.I.E., I.C.S., it is hereby notified that His Excellency Sir Robert Francis Mudie, K.C.S.I., K.C.I.E., O.B.E., has on the forenoon of this day taken the prescribed Oaths and has entered upon the duties of his office.

By order of the Governor

AKHTER HUSAIN

Chief Secretary to Government, West Punjab

No. 4949-PP-47/50002—The following document is published for general information :—

Commission appointing Sir Robert Francis Mudie, K.C.S.I., K.C.I.E., O.B.E., to be Governor of West Punjab

GEORGE R.

GEORGE THE SIXTH by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas, King, Defender of the Faith.

To Our Right Trusty and Well Beloved Sir Robert Francis Mudie, Knight Commander of Our Most Exalted Order of the Star of India, Knight Commander of Our Most Eminent Order of the Indian Empire, Officer of the Order of the British Empire and Member of Our Indian Civil Service.

GREETING !

I. We do by this Our Commission under Our Sign Manual appoint you the said Sir Robert Francis Mudie to be during Our Pleasure Our Governor of West Punjab with all the powers rights privileges and advantages to said Office belonging or appertaining.

II. And We do hereby authorise and command you to exercise all and singular the powers and duties appertaining to the said Office.

III. And We do hereby further authorise and direct you to cause this Our Commission to be read and published in the presence of the Chief Justice designate or in his absence other Judge designate of the High Court of the Province.

IV. And We do hereby further authorise and direct you to take the Oaths of Allegiance and for the due execution of the Office of Our Governor of West Punjab and for the due and impartial administration of Justice in the form hereto appended which Oaths the Chief Justice designate or in his absence any Judge designate of the High Court shall and he is hereby required to tender and administer unto you.

V. And We do hereby further authorise and require you by yourself or by any other person to be authorised by you in that behalf, to administer to every person appointed by you to hold office as a Minister the Oaths of Office and of Secrecy hereto appended.

VI. And We do further direct that every person who under this Commission shall be required to take an Oath may make an Affirmation in place of an Oath if he has any objection to making an Oath.

Given at our Court at Balmoral this 14th day of August in the year of Our Lord One thousand nine hundred and forty-seven and in the eleventh year of Our Reign.

By His Majesty's Command
LISTOWEL

By order of the Governor
AKHTER HUSAIN
Chief Secretary to Government, West Punjab

982 CS—1,515—15-8-47—SGPP Lahore.

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POLITICAL DEPARTMENT

General

NOTIFICATIONS

The 15th August 1947

No. 4952-PP-47/50004—His Excellency the Governor of West Punjab has been pleased to appoint the following :—

Khan Iftikhar Husain Khan ot Mamdot,

Mian Mumtaz Muhammad Khan Daultana,

Sardar Shaukat Hyat-Khan, and

Shaikh Karamat Ali

to be members of his Council of Ministers, and they have this day taken the oaths of office.

No. 4952-PP-47/50005—His Excellency the Governor of West Punjab has been pleased to make the following allotment of portfolios among the members of his Council of Ministers :—

The Honourable Khan Iftikhar Husain Khan of Mamdot, the portfolio of Law and Order, General Administration and Jails.

The Honourable Mian Mumtaz Muhammad Khan Daultana, the portfolio of Finance, Planning and Industries, Transport and Civil Supplies.

The Honourable Sardar Shaukat Hyat-Khan, the portfolio of Revenue, Irrigation, Electricity, Agriculture, Co-operative Societies, Veterinary and Forests.

The Honourable Shaikh Karamat Ali, the portfolio of Education, Public Works Department, Buildings and Roads Branch, Medical and Public Health and Local Government.

R. F. CRASTER
LIEUT.-COLONEL
Military Secretary
for Secretary to the Governor, West Punjab

AKHTER HUSAIN
Chief Secretary to Government, West Punjab

Price : Re. 0-2-0

983 CS—1515—16-8-47—SGPP Lahore.

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LAHORE, FRIDAY, AUGUST 22, 1947

EXTRAORDINARY ISSUE REGISTERED No. 864

The
West Punjab Gazette

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LAHORE, SATURDAY, AUGUST 16, 1947

LOCAL GOVERNMENT DEPARTMENT

Boards

The 16th August 1947

No. 2344-LG-47/50701—In exercise of the powers conferred by sub-section (3) of section 13 of the Indian Registration Act, the Governor of the West Punjab hereby directs that all non-official sub-registrars, honorary sub-registrars and joint registrars appointed under section 6 of the Act shall with effect from the date of this notification be removed and that the work now entrusted to them shall be performed by such officials whom the Registrar of the district may appoint under section 12 of the Act until further orders.

AHSAN-UD-DIN

Secretary to Government, Punjab

Medical and Local Government Departments

Price: Re. 0-2-0

984 CS—1515—16-8-47—SGPP Lahore.

conferred by sub-clause (ii) of clause 4 of the Rawalpindi Electricity Supply (Industrial Consumers) Emergency Order, 1945, the Governor of the West Punjab is pleased to order that the provisions of the Rawalpindi Electricity Supply (Industrial Consumers) Emergency Order, 1945, published with Punjab Government Notification No. 3575-El-45/29431, dated the 16th June 1945 shall be enforced within the limits of the Municipal Committee, Rawalpindi with effect from the 28th August 1947 and that for the purpose of clause 4 of the said Order, the stage of restriction shall mean "Stage No. 3" of Schedule B appended to the Order.

ABDUR RAHIM

Secretary to Government, West Punjab

Industries and Reconstruction Departments

rice: Re. 0-2-0

1014 CS—1198—22-8-47—SGPP Lahore

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LAHORE, SATURDAY, AUGUST 30, 1947

REVENUE DEPARTMENT

NOTIFICATION

The 30th August 1947

Section 5 of the Punjab land Revenue Act, 1887.

Section 4 (1) (s) and 7 (2) of the Code of Criminal Procedure, 1898.

Section 5 of the Indian Registration Act, 1908.

Section 19 of Part II of the Punjab Courts Act, 1918.

No. 1221-R—In exercise of the powers conferred on the Provincial Government by the Acts noted in the margin the Governor of the West Punjab is pleased to alter with effect from the 18th August 1947, the limits of the Lahore district, as it existed on the 14th August 1947, so as to exclude the following revenue estates of the Kasur Tahsil as it existed on the 14th August 1947 :—

Tahsil and Registration Sub-District	Thana	Zail	Village
1	2	3	4
Kasur ..	Bhikhiwind ..	Patti ..	Ahmadpur.
Do. ..	Do. ..	Do. ..	Bhaini Gurmukh Singh.
Do. ..	Do. ..	Do. ..	Bur Chand Walla.
Do. ..	Do. ..	Do. ..	Dialpurah.
Do. ..	Do. ..	Do. ..	Ghurkwind.
Do. ..	Do. ..	Do. ..	Kachcha Pakka.
Do. ..	Do. ..	Do. ..	Kale.
Do. ..	Do. ..	Do. ..	Manakpura.
Do. ..	Do. ..	Do. ..	Manhala.
Do. ..	Do. ..	Do. ..	Moghal.
Do. ..	Do. ..	Do. ..	Piragpur.
Do. ..	Do. ..	Do. ..	Sandrah.
Do. ..	Do. ..	Do. ..	Surwind.
Do. ..	Do. ..	Do. ..	Theh Chahal.
Do. ..	Do. ..	Rajoki ..	Bhagwanpurah.
Do. ..	Do. ..	Do. ..	Chung.
Do. ..	Do. ..	Do. ..	Mari Gaur Singh.
Do. ..	Do. ..	Do. ..	Mari Nauabad.
Do. ..	Do. ..	Do. ..	Qazi Chak
Do. ..	Do. ..	Sur Singh ..	Benka.
Do. ..	Do. ..	Do. ..	Bhikhiwind Utar.
Do. ..	Do. ..	Do. ..	Chela.
Do. ..	Do. ..	Do. ..	Darazke.
Do. ..	Do. ..	Do. ..	Farandipur.
Do. ..	Do. ..	Do. ..	Mari Samarai.
Do. ..	Do. ..	Do. ..	Pahuwind.
Do. ..	Do. ..	Do. ..	Pahlwanke.
Do. ..	Do. ..	Do. ..	Puhla.
Do. ..	Do. ..	Do. ..	Rakh Sur Singh.
Do. ..	Do. ..	Do. ..	Sandpurah.
Do. ..	Do. ..	Do. ..	Singhpura.
Do. ..	Do. ..	Do. ..	Sugga.
Do. ..	Do. ..	Do. ..	Sur Singh
Do. ..	Do. ..	Waltoha ..	Akbarpur.
Do. ..	Do. ..	Do. ..	Kalsian Kalan
Do. ..	Do. ..	Do. ..	Makhi Kalan.
Do. ..	Do. ..	Do. ..	Thatta.
Do. ..	Do. ..	Do. ..	Theh Naushera.
Do. ..	Ganda Singhwala ..	Sahjra ..	Bala Megha.
Do. ..	Do. ..	Do. ..	Burj Rajoke.
Do. ..	Do. ..	Do. ..	Dhira Gara.
Do. ..	Do. ..	Do. ..	Jaman Megha.
Do. ..	Do. ..	Do. ..	Kamalwala.
Do. ..	Do. ..	Do. ..	Mahaidipur.
Do. ..	Do. ..	Do. ..	Maewala.
Do. ..	Do. ..	Do. ..	Nihala Lawera.

Tahsil and Registration Sub-District	Thana	Zail	Village
1	2	3	4
Kasur	Ganda Singhwala	Sahjra	Muthianwala.
Do.	Do.	Do.	Tali Ghulam.
Do.	Kasur Sadar	Kasur	Chak Bangala.
Do.	Do.	Do.	Bhurah Karimpur.
Do.	Do.	Do.	Bhurah Kuhna
Do.	Do.	Do.	Dahul Nau
Do.	Do.	Do.	Kals.
Do.	Do.	Do.	Khem Karan.
Do.	Do.	Do.	Chak Ladheke.
Do.	Do.	Do.	Machhike.
Do.	Do.	Do.	Mast Garh.
Do.	Do.	Do.	Nurwala.
Do.	Do.	Do.	Bhur Hittar.
Do.	Khalra	Rajoke	Basarke.
Do.	Do.	Do.	Behrwal.
Do.	Do.	Do.	Bhadal.
Do.	Do.	Do.	Bhaini Massa Singh.
Do.	Do.	Do.	Dal.
Do.	Do.	Do.	Daliri.
Do.	Do.	Do.	Keshopurah.
Do.	Do.	Do.	Mari Kamboke.
Do.	Do.	Do.	Mari Uddoke.
Do.	Do.	Do.	Rajoke.
Do.	Do.	Do.	Wan.
Do.	Do.	Sur Singh	Amin Shah.
Do.	Do.	Do.	Dhun.
Do.	Do.	Do.	Dode.
Do.	Do.	Do.	Gil Pannun.
Do.	Do.	Do.	Khalra.
Do.	Do.	Do.	Narla.
Do.	Do.	Do.	Narli.
Do.	Do.	Do.	Sidhwan.
Do.	Do.	Do.	Theh Kalla.
Do.	Do.	Do.	Wiram.
Do.	Do.	Do.	Chak Kalsian.
Do.	Do.	Do.	Mughal Chak.
Do.	Do.	Do.	Maddar Mathra Bhagi.
Do.	Do.	Do.	Chak Gara.
Do.	Do.	Do.	Chak Bhamba.
Do.	Patti	Patti	Asal.
Do.	Do.	Do.	Barwala.
Do.	Do.	Do.	Bathe Bhaini.
Do.	Do.	Do.	Bhaggu Purah.
Do.	Do.	Do.	Bope Rai.
Do.	Do.	Do.	Chima (near Patti).
Do.	Do.	Do.	Chusalewar.
Do.	Do.	Do.	Dhariwal.
Do.	Do.	Do.	Dhigana.
Do.	Do.	Do.	Kulla.
Do.	Do.	Do.	Patti.
Do.	Do.	Do.	Saidpur.
Do.	Do.	Do.	Sangwan.
Do.	Do.	Do.	Shahid.
Do.	Do.	Do.	Thakkarpura.
Do.	Do.	Do.	Umra Bath.
D .	Do.	Do.	Chak Gharyala.
Do.	Do.	Sabrai	Alipur.
Do.	Do.	Do.	Balharke.
Do.	Do.	Do.	Bhaneke.
Do.	Do.	Do.	Bhaowal.
Do.	Do.	Do.	Bhojoke.
Do.	Do.	Do.	Buh.
Do.	Do.	Do.	Burj Dewa Singh.
Do.	Do.	Do.	Burj Puhla.
Do.	Do.	Do.	Dubli.
Do.	Do.	Do.	Dumniwala.
Do.	Do.	Do.	Gadaike.
Do.	Do.	Do.	Gaggarke.
Do.	Do.	Do.	Ghullewala.
Do.	Do.	Do.	Harike.
Do.	Do.	Do.	Jalloke.
Do.	Do.	Do.	Jaur Singhwala.
Do.	Do.	Do.	Jhugian Pir Bakhsh.
Do.	Do.	Do.	Jindanwala.
Do.	Do.	Do.	Kaleke Utar.
Do.	Do.	Do.	Kirtowal.
Do.	Do.	Do.	Kot Buddah.

Tahsil and Registration Sub-District	Thana	Zail	Village
1	2	3	4
Kasur ..	Patti ..	Sabrai ..	Kot Nau Abad.
Do. ..	Do. ..	Do. ..	Kuttiwala.
Do. ..	Do. ..	Do. ..	Malahanwala.
Do. ..	Do. ..	Do. ..	Marar.
Do. ..	Do. ..	Do. ..	Nabipur.
Do. ..	Do. ..	Do. ..	Radhalke.
Do. ..	Do. ..	Do. ..	Ram Singhwala.
Do. ..	Do. ..	Do. ..	Ratta Godda.
Do. ..	Do. ..	Do. ..	Saffa Singhwala.
Do. ..	Do. ..	Do. ..	Sito.
Do. ..	Do. ..	Do. ..	Sito Nauabad.
Do. ..	Do. ..	Do. ..	Talwandi Mohar Singh.
Do. ..	Do. ..	Do. ..	Talwandi Mutsadda Singh.
Do. ..	Do. ..	Do. ..	Talwandi Sobha Singh.
Do. ..	Do. ..	Do. ..	Thattian.
Do. ..	Do. ..	Do. ..	Theh Rajba.
Do. ..	Do. ..	Do. ..	Tung.
Do. ..	Do. ..	Do. ..	Chak Tut.
Do. ..	Do. ..	Do. ..	Bundala.
Do. ..	Do. ..	Do. ..	Kaleke Hitmar.
Do. ..	Waltoha ..	Algon ..	Algon.
Do. ..	Do. ..	Do. ..	Asal Uta .
Do. ..	Do. ..	Do. ..	Ballianwala.
Do. ..	Do. ..	Do. ..	Chima (near Asal).
Do. ..	Do. ..	Doo. ..	Daudpurah.
Do. ..	Do. ..	Do. ..	Dholan.
Do. ..	Do. ..	Do. ..	Dibbipurah.
Do. ..	Do. ..	Do. ..	Duddipurah.
Do. ..	Do. ..	Do. ..	Duhal Kuhna.
Do. ..	Do. ..	Do. ..	Fatehpur.
Do. ..	Do. ..	Do. ..	Gajjal.
Do. ..	Do. ..	Do. ..	Jagatpurah.
Do. ..	Do. ..	Do. ..	Kalanjar Utar.
Do. ..	Do. ..	Do. ..	Kalia.
Do. ..	Do. ..	Do. ..	Kotli Basawa Singh.
Do. ..	Do. ..	Do. ..	Lakhna.
Do. ..	Do. ..	Do. ..	Mahmudpur.
Do. ..	Do. ..	Do. ..	Munanwan.
Do. ..	Do. ..	Do. ..	Rattoke.
Do. ..	Do. ..	Do. ..	Sankhatra.
Do. ..	Do. ..	Do. ..	Thatti Jaimal Singh.
Do. ..	Do. ..	Do. ..	Amirke.
Do. ..	Do. ..	Waltoha ..	Bahadur Nagar.
Do. ..	Do. ..	Do. ..	Bhangala.
Do. ..	Do. ..	Do. ..	Dasual.
Do. ..	Do. ..	Do. ..	Gharyala.
Do. ..	Do. ..	Do. ..	Jhugian Kalu.
Do. ..	Do. ..	Do. ..	Jhugian Natha Singh.
Do. ..	Do. ..	Do. ..	Johd Singhwala.
Do. ..	Do. ..	Do. ..	Mahneke Jand.
Do. ..	Do. ..	Do. ..	Man.
Do. ..	Do. ..	Do. ..	Punian.
Do. ..	Do. ..	Do. ..	Ram Khara.
Do. ..	Do. ..	Do. ..	Rasulpur.
Do. ..	Do. ..	Do. ..	Tut.
Do. ..	Do. ..	Do. ..	Waltoha.
Do. ..	Do. ..	Do. ..	Warnala.

No. 1222-R—In exercise of the powers conferred on the Provincial Government by the Acts noted in the margin the Governor of the West Punjab is pleased to alter, with effect from the 18th August 1947, the limits of the Sialkot district as it existed on the 14th August 1947, so as to include the entire Shakargarh Tahsil of Gurdaspur district, as it existed on the 14th August 1947.

Section 5 of the Punjab Land Revenue Act, 1887.

Sections 4 (1) (s) and 7 (2) of the Code of Criminal Procedure, 1898.

Section 5 of the Indian Registration Act, 1908.

Section 19 of Part II of the Punjab Courts Act, 1918.

AKHTER HUSAIN

Secretary to Government, West Punjab

Revenue Department

78 FJ—1199—1-9-47—SGPWP Lahore

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The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, SATURDAY, AUGUST 30, 1947

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 25th August 1947

No. 500-Leg.—The following Ordinance by His Excellency the Governor of the West Punjab under section 88 of the Government of India Act, 1935, is hereby published for general information.

ORDINANCE No. III

An Ordinance to provide for the constitution of Home Guards

WHEREAS an emergency has arisen which makes it necessary to provide for the constitution of Home Guards;

AND WHEREAS the Provincial Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in respect of the matter aforesaid;

NOW, THEREFORE, in exercise of the powers conferred upon him by section 88, subsection (1) of the Government of India Act, 1935, the Governor of the West Punjab is hereby pleased to make and promulgate the following Ordinance :—

Short title, extent and commencement

1. (1) This Ordinance may be called Home Guards Ordinance, 1947

(2) It shall extend to the whole of the West Punjab.

(3) It shall come into force immediately.

Constitution and functions of Home Guards

2. The Inspector-General of Police, West Punjab, may constitute for the province a body to be called the Home Guards, the members whereof shall discharge such functions in relation to the protection of persons, the security of property or the public safety as may be assigned to them in accordance with the provisions of this Ordinance and the Rules made thereunder.

Appointment of Home Guards

3. The Inspector-General of Police may appoint as Home Guards so many persons who are fit and willing to serve as such, as he is authorised by the Provincial Government to appoint and may appoint any such member to any office of command in the Home Guards.

Powers, protection, control and penalties

4. (1) A member of the Home Guards when discharging his duties shall have the same powers, privileges, protection and shall be liable to the same penalties as an officer of police appointed under any Act for the time being in force.

(2) No prosecution shall be instituted against a member of the Home Guards in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of the District Magistrate.

Rules.

5. The Provincial Government may make rules consistent with this Ordinance—

(*a*) regulating the organisation, appointment, conditions of service, duties, discipline, arms, accoutrements and clothing of the Home Guards;

(*b*) generally for giving effect to the provisions of this Ordinance.

R. F. MUDIE
Governor of the West Punjab

M. R. KAYANI
Secretary to Government, West Punjab, Legislative Department

53 LR—1349—1-9-47—SGPWP Lahore

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The West Punjab Gazette

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LAHORE, TUESDAY, SEPTEMBER 2, 1947

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 25th August 1947

No. 500-Leg.—The following Ordinance by His Excellency the Governor of West Punjab under section 88 of the Government of India Act, 1935, is hereby published for general information :—

ORDINANCE No. I

An Ordinance to provide for the constitution of Home Guards

WHEREAS an emergency has arisen which makes it necessary to provide for the constitution of Home Guards;

AND WHEREAS the Provincial Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action in respect of the matter aforesaid;

NOW, THEREFORE, in exercise of the powers conferred upon him by section 88, subsection (1) of the Government of India Act, 1935, the Governor of West Punjab is hereby pleased to make and promulgate the following Ordinance :—

Short title, extent and commencement

1. (1) This Ordinance may be called the Home Guards Ordinance, 1947.

(2) It shall extend to the whole of West Punjab.

(3) It shall come into force immediately.

Constitution and functions of Home Guards

2. The Inspector-General of Police, West Punjab, may constitute for the province a body to be called the Home Guards, the members whereof shall discharge such functions in relation to the protection of persons, the security of property or the public safety as may be assigned to them in accordance with the provisions of this Ordinance and the Rules made thereunder.

Appointment of Home Guards

3. The Inspector-General of Police may appoint as Home Guards so many persons who are fit and willing to serve as such, as he is authorised by the Provincial Government to appoint and may appoint any such member to any office of command in the Home Guards.

Powers, protection, control and penalties

4. (1) A member of the Home Guards when discharging his duties shall have the same powers, privileges and protection and shall be under the same authorities, and liable to the same penalties as an officer of police appointed under any Act for the time being in force.

(2) No prosecution shall be instituted against a member of the Home Guards in respect of anything done or purporting to be done by him in the discharge of his duties as such member, except with the previous sanction of the District Magistrate.

Rules.

5. The Provincial Government may make rules consistent with this Ordinance—

(*a*) regulating the organisation, appointment, conditions of service, duties, discipline, arms, accoutrements and clothing of the Home Guards;

(*b*) generally for giving effect to the provisions of this Ordinance.

R. F. MUDIE
Governor of West Punjab

M. R. KAYANI
Secretary to Government, West
Punjab, Legislative Department

NOTE—Notification No. 500-Leg., dated the 25th August 1947, published in the *Extraordinary Gazette*, dated August 30, 1947, is replaced by this notification.

54 LR—1299—3 9 47—SGPWP Lahore

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The West Punjab Gazette

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LAHORE, THURSDAY, SEPTEMBER 4, 1947

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 3rd September 1947

No. 501-Leg.—The following Ordinance by the Governor of West Punjab, under section 88 of the Government of India Act, 1935, is hereby published for general information :—

ORDINANCE No. II

An Ordinance further to amend the Punjab Public Safety Act, 1947

WHEREAS an emergency has arisen which makes it necessary further to amend the Punjab Public Safety Act, 1947 ;

AND WHEREAS the Provincial Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW THEREFORE, in exercise of the powers conferred upon him by section 88 subsection (1) of the Government of India Act, 1935, the Governor of West Punjab is hereby pleased to make and promulgate the following Ordinance :—

Short title, extent and commencement.

1. (1) This Ordinance may be called the Punjab Public Safety Act (Amending) Ordinance, 1947.

(2) It shall extend to the whole of West Punjab.

(3) It shall come into force at once.

Amendment of section 5 of Punjab Public Safety Act, 1947

2. (1) In subsection (1) of section (5)—

(*a*) after the words " the Provincial Government " the following words, namely, " the District Magistrate " shall be inserted ;

(*b*) after the word " educational " the word " banking" shall be inserted ;

(*c*) after the words " public safety ", the following words, namely, " or morale " shall be inserted ; and

(2) after clause (c) of subsection (1), the following clause shall be added, namely :—

(*d*) direct, where the institution in question is a bank, that its assets or any part thereof including time and demand deposits made by the public in all their various forms, shall not be removed from the Province of West Punjab without the written permission of the Provincial Government, and pass such other order as shall be necessary for bringing the provisions of this clause into effective operation.

Amendment of section 8 subsection (1) of the Punjab Public Safety Act, 1947

3. (1) In subsection (1) of section 8, between the words " to control the supply " and the words " any commodity of general use ", the following words shall be inserted, namely, " or movement of or to make immediately available ", and

Price : Re. 0-2-0

Amendment of section 8 subsection (2) of the Punjab Public Safety Act, 1947

(2) to subsection (2) of section 8, after clause (*c*), the following clauses shall be added :—

(*d*) by general or special order in writing, authorise an officer of the gazetted rank, if the latter has reason to believe that any premises, for whatever purposes intended to be used, belonging to a person who cannot be found after the exercise of due diligence and who has left no person to represent him, contain any stocks, stores or commodities of general use, to effect entry upon the premises aforesaid by whatever means possible, including the forcing open of locks, to prepare an inventory of their contents, to freeze such of the stocks, stores or commodities as are required for general use and to make them available for public use in such manner as the said officer may deem fit.

(*e*) by general or special order to ban the export of any commodity of general use or any material capable of manufacturing goods from the area under his jurisdiction, except under a permit.

R. F. MUDIE
Governor of West Punjab

M. R. KAYANI
Secretary to Government, West Punjab
Legislative Department

STATEMENT OF OBJECTS AND REASONS

Following serious communal disturbances in East Punjab, lakhs of Muslim refugees have come to West Punjab and are still pouring in at a fast rate. Government are faced with innumerable difficulties in making adequate provisions for feeding and housing these refugees and large quantities of foodstuffs and other commodities such as building materials, iron and steel, firewood, kerosene oil, motor vehicles, telephones, etc., are urgently required to cope with the emergency. These commodities are lying locked in ware-houses and private places of persons who have left for unknown destinations. Instead of permitting them to suffer deterioration and damage, it is to the obvious advantage of both Government and owners of stocks that they should be requisitioned and utilised for meeting the needs of the refugees.

By another amendment, it is intended to check the tendency of bankers to remove their assets from West Punjab, thus causing and under-mining of public confidence, and leading to a consequential state of unrest.

For these reasons, an amendment to the Punjab Public Safety Act of 1947, is necessary so as to enable Government to requisition these stocks and to prevent banks from transferring their assets to places outside West Punjab.

S. F. HASSAN
Home Secretary to Government West Punjab

HOME DEPARTMENT

NOTIFICATIONS

The 4th September 1947.

No. 852-H-47—In exercise of the powers conferred upon the Provincial Government by subsection (1) of section 8 of the Punjab Public Safety Act, 1947, as amended by Ordinance No. II of 1947, the Governor of West Punjab, is pleased to declare that it is necessary to control the supply and movement of, and to make immediately available for public use the stocks, stores and Commodities mentioned in the following schedule :—

SCHEDULE

Coal.
Coke.
Firewood.
Kerosine Oil.
Yarn.
Cloth.
Hosiery.
Knitted goods.
All foodgrains and foodstuffs.
Ferrous and non-ferrous metals.
Utensils.
Galvanised pipes.
All building material.
Machinery, machine tools, spare parts, and accessories of machinery.
Agricultural implements.
Drugs, medical stores, chemicals and surgical instruments.
Paper.
Motor vehicles.
Telephones.
Diesel and lubricating oil.
Electric goods.

No. 853-H-47—In exercise of the powers conferred upon the Provincial Government by subsection (2) of section 8 of the Punjab Public Safety Act, 1947, as amended by Ordinance No. II of 1947, the Governor of West Punjab is pleased to invest the Director of Civil Supplies, the Director of Food Purchases, the Director of Industries, West Punjab, and all Magistrates of the 1st Class with powers exercisable by the District Magistrate under section 8, subsection (2), clauses (*d*) and (*e*) of the said Act.

S. F. HASSAN
Home Secretary to Government
West Punjab

55 LR—1,299—4-9-47 SGPWP Lahore

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LAHORE, SATURDAY, SEPTEMBER 6, 1947

MEDICAL DEPARTMENT

WEST PUNJAB STATE MEDICAL FACULTY

STATUTES

The 6th September 1947

No. 6027-M-47/1034—In exercise of the powers conferred on the Provincial Government, West Punjab, by section 3 of the Indian Medical Degrees Act, 1916, the Governor is pleased to cancel the Punjab Government notification No. 3423, dated the 1st February 1922, so far as it relates to West Punjab, and to authorise the institution known as the West Punjab State Medical Faculty (to be constituted as given below), to confer, grant or issue in West Punjab diplomas, licenses, certificates or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practise Western Medical Science.

2. There shall be established in West Punjab a State Medical Faculty (to be called the West Pun- persons who desire to practise Medicine, Surgery and Midwifery, according to Western Methods, after proper teaching and examination, to receive a diploma or license testifying to their adequate training and proficiency in these sciences and to lay down a course of training for dispensers and dressers, organise their examinations and award qualifying certificates to the successful candidates.

3. There shall be a Governing Body, which shall consist of a President and eight members, who shall be appointed by the Provincial Government and hold office for a term of three years. The Vice-President shall be elected by the members of the Governing Body from among the members. He shall also hold office for three years, but shall be eligible for re-election. The executive authority of the Faculty shall vest in the Governing Body. A member of the Governing Body shall be deemed to have vacated his seat ;

(i) if he sends his resignation in writing through

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LAHORE, SATURDAY, SEPTEMBER 6, 1947

HOME DEPARTMENT

NOTIFICATION

The 6th September 1947

No. 1171-H-47/1111—In exercise of powers conferred upon the Provincial Government by subsection (1) of section 8 of the Punjab Public Safety Act 1947, as amended by Ordinance No. II of 1947, the Governor of West Punjab is pleased to direct that the following stocks and stores of general use should be included in the Schedule issued with notification No. 852-H-47, dated the 4th September 1947 :—

Batteries of motor vehicles.

Spare parts and accessories of motor vehicles.

S. F. HASSAN

Home Secretary to Government

West Punjab

Price Re. 0-2-0

1049 CS—1247—6-9-47—SGPWP Lahore.

(ii) if he absents himself from two consecutive meetings of the Governing Body otherwise than for reasons which are considered sufficient by the Provincial Government ; or

(iii) if he is absent from West Punjab for a continuous period exceeding six months.

DUTIES OF THE GOVERNING BODY

4. (1) The Governing Body shall arrange to hold at regular intervals examinations in all the organised subjects of a complete medical curriculum for the admission of members and licentiates to the Faculty. The preliminary qualifications, courses of study and subjects of examination shall be as approved by the Provincial Government from time to time.

(2) Only students who undergo a course of study in medical science in Government medical schools or colleges or in schools or colleges which have been recognised in this behalf by the West Punjab Medical Council shall be allowed to present themselves for the Examination for Membership and Licentiateship of the Faculty.

(3) The Governing Body shall also hold at regular intervals examinations for dispensers and dressers in all the subjects prescribed for such examinations and award qualifying certificates to the successful candidates. The examination of dispensers and dressers shall be regulated according to the rules to be framed by the West Punjab State Medical Faculty subject to the approval of the Provincial Government.

4. The Governing Body shall frame by-laws for the conduct of its work generally, appointment of examiners, removal of members and licentiates, appointment of its officers and such other matters as may arise from time to time.

CONSTITUTION OF THE GOVERNING BODY

5. The following shall form the Governing Body :—

President

Inspector-General of Civil Hospitals, West Punjab.

Members

1. The Principal, King Edward Medical College, Lahore.

2. The Professor of Pharmacology, King Edward Medical College, Lahore.

3. The Civil Surgeon, Lahore.

4. R. B. Dr. Mathra Dass Pahwa, P.C.M.S. (Retired).

5. K. B. Dr. Mohammad Yusaf, M. D.

6. Dr. Amir-ud-Din, F.R.C.S., Professor of Surgery, King Edward Medical College.

7. Dr. Mohammad Aslam Pirzada, M.R.C.P., Professor of Pathology, King Edward Medical College, Lahore.

8. Vacant.

HADI HUSSAIN
Secretary to Government, West Punjab
Medical and Local Government Departments

1050 CS—1197—8-9-47—SGP I P Lahore

Home Secretary to Government
West Punjab

EXTRAORDINARY ISSUE REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, TUESDAY, SEPTEMBER 9, 1947

PUBLIC HEALTH DEPARTMENT

NOTIFICATION

The 8th September 1947

No. 6098-M-47/1165—The following Order of the Governor of West Punjab is published for general information :—

ORDER OF THE GOVERNOR OF WEST PUNJAB

No. 6098-M-47/1166—Whereas the Governor of West Punjab is satisfied that all the districts of West Punjab are threatened with an outbreak of a dangerous epidemic disease, namely, cholera, and that the ordinary provisions of the law for the time being in force are insufficient to prevent the spread of this disease, now, therefore the Governor of West Punjab in exercise of the powers conferred by section 2 of the Epidemic Diseases Act, 1897, is pleased—

(1) to empower the Deputy Commissioners concerned within their respected districts—

(i) to prohibit by public notice, bathing generally by persons other than those specified, or washing animals or clothes, or any other act at places other than those fixed for such purpose ;

(j) to fix places for the encamping of people, picketing of animals and parking of vehicles in the manner directed, and to prevent people occupying in any form lands which it may be necessary to set apart as open spaces for the health and convenience of the public ;

(k) to establish isolation camps, hospitals and medical inspection posts ;

(l) to order the removal of any person suffering from, or suspected to be suffering from cholera to an isolation camp or hospital ;

(m) to fix places for the cremation or burial of dead human bodies or bodies of dead animals ; and

(n) to prohibit the holding of any fair in these districts.

(o) to order that any specified person or persons

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The West Punjab Gazette

PUBLISHED BY AUTHORITY

MONDAY, SEPTEMBER 8, 1947

INDUSTRIES AND RECONSTRUCTION DEPARTMENT

COMMERCE

NOTIFICATION

The 6th September, 1947.

No. 57-Com-47/1133—In exercise of the powers conferred by sub-clause (*ii*) of the clause 4 of the Multan Electricity Supply (Industrial Consumers) Emergency Order, 1945, the Governor of the West Punjab is pleased to order that the provisions of the Multan Electricity Supply (Industrial Consumers) Emergency Order, 1945, published with Punjab Government Notification No. 3575-El-45/29433, dated the 16th June 1945, shall be enforced within the limits of the Municipal Committee, Multan, with effect from the 8th September 1947, and that for the purpose of clause 4 of the said Order, the stage of restriction shall mean "Stage No. 4" of Schedule B appended to the Order.

ABDUR RAHIM

Secretary to Government, West Punjab,

Industries and Reconstruction Departments.

1051 CS—1197—8-9-47—SGPWP Lahore

(ii) if he absents himself from two consecutive meetings of the Governing Body otherwise than for reasons which are considered sufficient by the Provincial Government ; or

(iii) if he is absent from West Punjab for a continuous period exceeding six months.

DUTIES OF THE GOVERNING BODY

4. (1) The Governing Body shall arrange to hold at regular intervals examinations in all the organised subjects of a complete medical curriculum for the admission of members and licentiates to the Faculty. The preliminary qualifications, courses of study and subjects of examination shall be as approved by the Provincial Government from time to time.

(2) Only students who undergo a course of study in medical science in Government medical schools or colleges or in schools or colleges which have been recognised in this behalf by the West Punjab Medical Council shall be allowed to present themselves for the Examination for Membership and Licentiateship of the Faculty.

(3) The Governing Body shall also hold at regular intervals examinations for dispensers and dressers in all the subjects prescribed for such examinations and award qualifying certificates to the successful candidates. The examination of dispensers and dressers shall be regulated according to the rules to be framed by the West Punjab State Medical Faculty subject to the approval of the Provincial Government.

4. The Governing Body shall frame by-laws for the conduct of its work generally, appointment of examiners, removal of members and licentiates, appointment of its officers and such other matters as may arise from time to time.

CONSTITUTION OF THE GOVERNING BODY

5. The following shall form the Governing Body :—

President

Inspector-General of Civil Hospitals, West Punjab.

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3. The Civil Surgeon, Lahore.
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5. K. B. Dr. Mohammad Yusaf, M. D.
6. Dr. Amir-ud-Din, F.R.C.S., Professor of Surgery, King Edward Medical College.
7. Dr. Mohammad Aslam Pirzada, M.R.C.P., Professor of Pathology, King Edward Medical College, Lahore.
8. Vacant.

HADI HUSSAIN
Secretary to Government, West Punjab
Medical and Local Government Departments

1050 CS—1197—8-9-47—SGP I P Lahore

EXTRAORDINARY ISSUE **REGISTERED No. L 864**

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, TUESDAY, SEPTEMBER 9, 1947

PUBLIC HEALTH DEPARTMENT

NOTIFICATION

The 8th September 1947

No. 6098-M-47/1165—The following Order of the Governor of West Punjab is published for general information :—

ORDER OF THE GOVERNOR OF WEST PUNJAB

No. 6098-M-47/1166—Whereas the Governor of West Punjab is satisfied that all the districts of West Punjab are threatened with an outbreak of a dangerous epidemic disease, namely, cholera, and that the ordinary provisions of the law for the time being in force are insufficient to prevent the spread of this disease, now, therefore the Governor of West Punjab in exercise of the powers conferred by section 2 of the Epidemic Diseases Act, 1897, is pleased—

(1) to empower the Deputy Commissioners concerned within their respected districts—

(a) to prohibit the sale or exposure for sale or the import or export of any specified articles of food or drink or class of such articles into or from any local area in the district from or into any local areas in these districts ;

(b) to order the destruction of any unwholesome article of food or drink ;

(c) to authorise any person to enter into and inspect any market, building, shop, stall or place used for the sale or free distribution of any article of food or drink and to examine any such article which may be therein, and to seize, remove, destroy or cause to be disposed of, in any manner he thinks fit so as to prevent its being used by human beings, any articles of food or drink intended for human consumption and unfit therefor ;

(d) to set apart suitable places for the supply of water for all purposes and to prohibit the use of water from any other source, and to fix the time, manner and conditions at, in and on which such supply of water may be obtained ;

(e) to order the closing or disinfecting of any source of water supply and to prohibit the taking of water from any specified source of supply ;

(f) to order the closure of any ice factory or aerated water or mineral water factory ;

(g) to set apart suitable places for the purposes of bathing, and to specify the times at which, and the sex of the persons by whom, such places may be used ;

(h) to set apart suitable places for washing animals and clothes or for any other purpose connected with the health, cleanliness or comfort of the public ;

(i) to prohibit by public notice, bathing generally by persons other than those specified, or washing animals or clothes, or any other act at places other than those fixed for such purpose ;

(j) to fix places for the encamping of people, picketing of animals and parking of vehicles in the manner directed, and to prevent people occupying in any form lands which it may be necessary to set apart as open spaces for the health and convenience of the public ;

(k) to establish isolation camps, hospitals and medical inspection posts ;

(l) to order the removal of any person suffering from, or suspected to be suffering from cholera to an isolation camp or hospital ;

(m) to fix places for the cremation or burial of dead human bodies or bodies of dead animals ; and

(n) to prohibit the holding of any fair in these districts.

(o) to order that any specified person or persons within any speified area shall undergo anti-cholera inoculation (in the case of minors, the order shall be regarded as addressed to the parent or guardian).

(2) to empower the Assistant Directors of Public Health, the District Medical Officers of Health, all doctors of the health department and all municipal medical officers of health, the civil surgeon and all doctors of the medical department, and any magistrate of the first class in the district—

(a) to order the destruction of any unwholesome article of food or drink ; and

(b) to order the removal of any person suffering from, or suspected to be suffering from, cholera to an isolation camp or hospital.

(3) to empower the Assistant Directors of Pu[illegible]l Health, the district medical officers of heand doctors of the healht department, and all [illegible]d any medical officers of health, the civil s[illegible]to order all doctors of the medical departm[illegible]s, privies, magistrate of the first class in these d[illegible]article which the cleansing or disinfecting of [illegible]to retain infec-latrines, clothes, beddings or any [illegible]of, or the applica-in their opinion is infected or i[illegible] to, any article, tion and the removal and di[illegible]ts tion of suitable disin[illegible]ht-soil, manure or filth offensive matter, rubbish of any kind.

(4) to direct[illegible]ders issued by the Deputy Com-

(a) that an[illegible]ned, under clause (2) (a) above missioner co[illegible]force in respect of any local area shall remain[illegible]al area is officially declared to be free until such[illegible]r of infection from cholera ; and from da[illegible]

(b) that the cost of any measures taken by the Deputy Commissioner or any of the other officers

above-mentioned in exercise of the powers conferred upon them by this order, shall be defrayed by the District Board or Municipal Committee, Notified Area or Town Committee within whose jurisdiction such measures are taken, and may be recovered by the Accountant-General by deduction from the balance of the fund of the local body concerned in the treasury.

No. 6098-M-47/1167—Whereas the Governor of West Punjab is satisfied that all the districts of West Punjab are threatened with an outbreak of a dangerous epidemic disease, namely, cholera, and that the ordinary provisions of the law for the time being in force are insufficient to prevent the spread of this disease, now, therefore, the Governor of West Punjab, in exercise of the powers conferred by section 2 of the Epidemic Diseases Act, 1897, is pleased to make the the following regulations :—

REGULATIONS

1. In these regulations—

(a) " Epidemic disease " means cholera ;

(b) " Inspection post " means any place which may be declared by the Deputy Commissioner concerned in exercise of the powers conferred upon him to be an inspection post ;

(c) " Inspecting Medical Officer " means a person appointed by the District Medical Officer of Health concerned to be an inspecting medical officer.

2. Every inspecting medical officer who is unavoidably prevented from discharging all or any of his functions as such may by order in writing appoint any Assistant Surgeon or Sub-Assistant Surgeon temporarily to discharge such functions and every Assistant and Sub-Assistant Surgeon so appointed shall so far as such functions are concerned, be deemed for the purpose of these regulations to be an inspecting medical officer.

3. An inspecting medical officer may, at his inspection post, direct any person travelling by railway to remain in the carriage in which he is travelling or to leave the carriage in which he is travelling and come on to the platform or on to the line, and may prohibit any such person from leaving the platform or any other portion of the place of inspection.

4. (1) Any inspecting medical officer may, at his inspection post, make a medical inspection and examination of any person travelling by railway or by road in such manner and to such extent as he thinks necessary in order to ascertain whether there is any reason to believe or suspect that such person is or may be infected with an epidemic disease provided that such inspection or examintion shall not be made in any manner or to any extent to which such person objects.

(2) An inspecting medical officer may put to any such person any question he thinks fit in order to ascertain whether there is reason to believe or suspect as aforesaid, and such person shall be bound to answer truly any question so put to him.

5. Where, as the result of such inspection or examination or otherwise, the inspecting medical officer considers that there is reason to believe or suspect that any person is or may be infected with an epidemic disease, or where any person makes any objection under the proviso to clause (1) to regulation 4, the inspecting medical officer may direct that such person be removed to and detained in any isolation camp or hospital established by the Deputy Commissioner concerned, in exercise of the powers conferred upon him by order No. 6098-M-47, dated the 8th September 1947, of the Governor of West Punjab until the inspecting medical officer or the medical officer in charge of such isolation camp or hospital or the District Medical Officer of Health or Civil Surgeon of the district concerned certifies in writing that, in his opinion, there is no longer any reason for believing, or suspecting such person to be infected as aforesaid.

6. Any person in respect to whom a direction has not been given under regulation 5 may apply to the inspecting medical officer to be allowed to attend upon any person in respect to whom such a direction has been given, and the inspecting medical officer shall except for reasons to be recorded by him in writing grant such application.

7. Any person who has made an application under regulation 6 and whose application has been granted shall be detained in such buildings, tent or other place whether near the inspection post or elsewhere, as the inspecting medical officer may direct until the inspecting medical officer or the medical officer in charge of an isolation camp or hospital or the District Medical Officer of Health or Civil Surgeon of the district concerned certifies in writing that, in his opinion, there is no longer any reason for detaining such person.

8. No person in respect of whom a direction under regulation 5 or regulation 7 has been given shall leave any isolation camp or hospital in which an inspecting medical officer has directed him to be detained until such inspecting medical officer certifies in writing that, in his opinion, there is no longer any reason for believing or suspecting such person to be infected as aforesaid or that there is no longer any reason for detaining such persons, as the case may be.

9. The inspecting medical officer may order the destruction of any article which is or has been in the possession of any person in respect of whom a direction under regulation 5 or regulation 7 has been given, or which is or has been in the possession of any person whom the inspecting medical officer considers to have been in dangerous proximity to such person :

Provided that compensation may, in the discretion of the officer empowered by regulation 10 to award the same, be paid for the destrution or injury of any article under this clause.

10. Applications for the payment of compensation under regulation 9 may be made to the District Magistrate of the district concerned who shall upon receipt of any such application determine by order in writing the amount of such compensation, if any, and such order shall be final.

11. These regulations shall remain in force up to the 1st December 1947.

HADI HUSSAIN

Secretary to Government, West Punjab
Medical and Local Government Departments

1056 CS—1197—9.9-47—SGPWP Lahore

EXTRAORDINARY ISSUE REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, WEDNESDAY, SEPTEMBER 10, 1947

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 9th September 1947

No. 502-Leg.—The following Ordinance by His Excellency the Governor of West Punjab under section 88 of the Government of India Act, 1935, is hereby published for general information :—

WEST PUNJAB ORDINANCE No. III OF 1947

An Ordinance to repeal the Punjab Public Safety Act (Amending) Ordinance, 1947

WHEREAS the Governor of West Punjab is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose hereinafter appearing ;

NOW, THEREFORE, in exercise of the power conferred by section 88 of the Government of India Act, 1935, the Governor of West Punjab is pleased to make and promulgate the following Ordinance, namely :—

1. This Ordinance may be called the Punjab Public Safety Act (Second Amendment) Ordinance, 1947.

West Punjab Ordinance No. II of 1947

2. The Punjab Public Safety Act (Amending) Ordinance, 1947, is hereby repealed and shall be deemed never to have been enacted.

R. F. MUDIE
Governor of West Punjab

M. R. KAYANI
Secretary to Government, West Punjab
Legislative Department

Price : Re. 0-2-0

561 R—1397—11-9-47—SGPWP Lahore.

EXTRAORDINARY ISSUE REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, MONDAY SEPTEMBER 15, 1947

FINANCE DEPARTMENT

BUDGET

The 15th September 1947

No. 5097-B-47/1988—In pursuance of the provisions of the proviso to sub-clause (1) of clause 3 of the Punjab Partition (Transitory Financial Provisions) Order, 1947, the Governor of the West Punjab hereby authorises the publication of the following provisional schedule of expenditure for the period between the 15th August 1947 and the 31st March 1948 :—

PROVISIONAL SCHEDULE OF EXPENDITURE

Serial No.	Head of Account	Amount		
		Voted	*Charged*	Total
		Rs.	Rs.	Rs.
	Expenditure charged to Revenue (including Working Expenses meant to be recorded as deduct entries under Irrigation and Electricity Receipts)			
1	7—Land Revenue ..	38,67,580	*41,950*	39,09,530
2	8—Provincial Excise ..	8,51,120	..	8,51,120

EXTRAORDINARY ISSUE REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, THURSDAY, SEPTEMBER 11, 1947

HOME DEPARTMENT

NOTIFICATION

The 11th September 1947

No. 1367-H-47/1426—In exercise of the powers conferred by section 2 subsection (1) of West Punjab Ordinance No. IV of 1947, the Governor is pleased to appoint Mr. Ameen-ud-Din, I.C.S., as Rehabilitation Commissioner for the province of West Punjab, and all Deputy Commissioners and Tahsildars in West Punjab as Assistant Rehabilitation Commissioners within the areas of their respective jurisdictions.

S. F. HASSAN

Home Secretary to Government

West Punjab

1069 CS—1297—11-9-47 SGPWP Lahore

EXTRAORDINARY ISSUE REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, MONDAY SEPTEMBER 15, 1947

FINANCE DEPARTMENT

BUDGET

The 15th September 1947

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Serial No.	Head of Account	AMOUNT Voted	*Charged*	Total
		Rs.	Rs.	Rs.
	Expenditure charged to Revenue (including Working Expenses meant to be recorded as deduct entries under Irrigation and Electricity Receipts)			
1	7—Land Revenue ..	38,67,580	*41,950*	39,09,530
2	8—Provincial Excise ..	8,51,120	..	8,51,120
3	9—Stamps ..	1,03,210	..	1,03,210
4	10—Forests	41,35,060	*1,44,410*	42,79,470
5	11—Registration	66,260	..	66,260
6	12—Charges on account of Motor Vehicles Acts ..	2,22,370	*12,980*	2,35 350
	13—Other Taxes and Duties ..	5,69,870	..	5,69,370
7	XVII—Irrigation—Working Expenses; 17—Interest on Irrigation Works for which Capital accounts are kept; 18—Other Irrigation Expenditure financed from Ordinary Revenues.	73,50,800	*76,37,670*	1,49,88,470
8	Irrigation—Establishment Charges ..	88,01,870	*5,25,490*	93,27,360
9	22—Interest on Debt and Other Obligations ..	..	*–52,07 510*	—52,07,510
	23—Appropriation for Reduction or Avoidance of Debt.	..	*14,77,310*	14,77,310
10	25—General Administration ..	94,62,220	*11,32,900*	1.05,95,120
11	27—Administration of Justice ..	20,81,530	*9,00,010*	29,81,540
12	28—Jails and Convict Settlements ..	28,00,610	*24,140*	28,24,750
13	29—Police ..	2,02,98,830	*4,17,850*	2,07,16,680
14	36—Scientific Departments ..	35,970		35,970
	47—Miscellaneous Departments ..	3,30,610	*190*	3,30,800
	62—Miscellaneous adjustments between the Central and Provincial Governments.	..	..	..

Price : Re. 0-2-0

Serial No.	Head of Account	Amount: Voted	Amount: *Charged*	Amount: Total
		Rs.	Rs.	Rs.
	Expenditure charged to Revenue (including working expenses meant to be recorded as deduct entries under Irrigation and Electricity Receipts)—continued			
15	37—Education (European and Anglo-Indian Education).	3,90,500	*7,200*	3,97,700
16	37—Education (Excluding European and Anglo-Indian Education).	1,16,24,940	*36,020*	1,16,60,960
17	38—Medical ..	39,18,910	*1,68,140*	40,87,050
18	39—Public Health ..	24,93,800	*30,300*	25,24,100
19	40—Agriculture ..	44,57,350	*35,310*	44,92,660
20	41—Veterinary ..	9,64,280	*20,140*	9,84,420
21	42—Co-operation ..	16,02,640	*35,700*	16,38,340
22	43—Industries ..	13,55,740	*17,880*	13,73,620
23	50—Civil Works ..	72,51,600	*64,210*	73,15,810
24	Buildings and Roads Establishment Charges ..	14,20,200	*78,900*	14,99,100
25	51—Interest on Capital Outlay on Electricity Schemes	..	*18,60,800*	18,60,800
	XLI—Electricity Schemes—Working Expenses ..	20,16,200	..	20,16,200
26	Charges on Electricity Establishment and Miscellaneous Expenditure.	16,97,670	*4,780*	17,02,450
27	54—Famine	1,14,380	..	1,14,380
28	55—Superannuation Allowances and Pensions ..	27,43,260	*10,94,180*	38,37,440
29	56—Stationery and Printing	10,71,790	..	10,71,790
30	57—Miscellaneous..	2,28,92,920	*1,04,390*	2,29,97,310
	Total Revenue Expenditure Charged to Revenue (including Working Expenses meant to be recorded as deduct entries under Irrigation and Electricity Receipts).	12,69,93,590	*1,06,65,340*	13,76,58,930
	Extraordinary Items			
31	63—Extraordinary Charges	..	..	..
	63-B—Expenditure on Post-War Development Schemes.	78,70,000	*79,020*	79,49,020
	Total	78,70,000	*79,020*	79,49,020
	Total Expenditure Charged to Revenue (including Working Expenses meant to be recorded as deduct entries under Irrigation and Electricity Receipts).	13,48,63,590	*1,07,44,360*	14,56,07,950
	Capital Account not Charged to Revenue			
32	68—Contruction of Irrigation Works (Capital Expenditure)	1,69,15,990	..	1,69,15,990

Serial	Head of Account	Amount Voted	Amount Charged	Amount Total
	Capital Account not Charged to Revenue—concld.	Rs.	Rs.	Rs.
33	81—Civil Works outside the Revenue Account ..	2,11,04,100	..	2,11,04,100
34	81-A—Capital Outlay on Electricity Schemes ..	1,91,73,000	..	1,91,73,000
35	82—Capital Account of other Provincial Works outside the Revenue Account	14,01,830	..	14,01,830
36	83—Payment of commuted value of Pensions ..	—2,11,540	*—29,760*	—2,41,300
37	85-A—Capital Outlay on Provincial Schemes of State Trading.	25,83,560	..	25,83,560
	Total Capital Account not charged to Revenue.	6,09,66,940	*—29,760*	6,09,37,180
	Deposits and Advances			
38	Advances not bearing interest—			
	Advances not repayable	2,77,120	..	2,77,120

EXTRAORDINARY ISSUE

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, SATURDAY, SEPTEMBER 27, 1947

HOME DEPARTMENT

NOTIFICATION

The 25th September 1947

No. 1831-H-47/2912—In exercise of the powers conferred on him by clause (b) of section 2 of the Punjab Public Safety Act, 1947, the Governor of the West Punjab is pleased to declare the whole of Dera Ghazi Khan district as a dangerously disturbed area with effect from 30th August 1947.

S. F. HASSAN

Home Secretary to Government,

West Punjab

1187 CS—1170—27-9.47—SGPWP Lahore.

Serial No.	Head of Account	Amount		
		Voted	Charged	Total
		Rs.	Rs.	Rs.
	Loans and Advances by Provincial Governments			
	Loans and Advances bearing interest—			
39	Loans to Municipalities and Advances to cultivators, etc.	80,99,080	..	80,99,080
	Loans to Government Servants ..	74,060	..	74,060
	Total Provincial Disbursements ..	20,42,80,790	1,07,14,600	21,49,95,390

H. A. MAJID

Secretary to Government, West Punjab

Finance Department

1078 CS—1,01—15-9-47 SGPWP Lahore

EXTRAORDINARY ISSUE

The West Punjab Gazette

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LAHORE, MONDAY, SEPTEMBER 22, 1947

POLITICAL DEPARTMENT

GENERAL

NOTIFICATIONS

The 17th September 1947

No. 374-PP-47/2198—His Excellency the Governor of the West Punjab has been pleased to appoint Mian Muhammad Iftikhar-ud-Din to be a member of his Council of Ministers.

No. 374-PP-47/2199—His Excellency the Governor of the West Punjab has been pleased to allot the portfolio of Refugees to the Honourable Mian Muhammad Iftikhar-ud-Din.

The Honourable Mian Muhammad Iftikhar-ud-Din has this day taken the oath of office accordingly.

GHIAS-UD-DIN AHMAD
Secretary to the Governor
West Punjab

H. A. MAJID
Chief Secretary to Government
West Punjab

Price : Re. 0-2-0

1149 CS—1198—22-9-47—SGPWP Lahore

EXTRAORDINARY ISSUE REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, WEDNESDAY, OCTOBER 1, 1947

HOME DEPARTMENT

REHABILITATION

NOTIFICATIONS

The 1st October 1947

No. 60-CR-47/7094—In exercise of the powers conferred on the Provincial Government by section 2, subsection (1) of the West Punjab Ordinance No. IV of 1947, and in continuation of the notification No. 1367-H-47/1926, dated the 11th September 1947, the Governor is pleased to appoint the Director of Food Purchases and the Director of Civil Supplies, West Punjab, respectively to be Assistant Rehabilitation Commissioners for the whole Province, and all Naib-Tahsildars to be Assistant Rehabilitation Commissioners within the areas of their respective jurisdictions.

No. 60-CR-47/7098—In exercise of the powers conferred by section 4(i) of West Punjab Ordinance No. IV of 1947, and with the previous approval of the Provincial Government, the Rehabilitation Commissioner is pleased to make the following Order :—

1. This Order may be called the West Punjab Economic Rehabilitation (Essential Commodities Control) Order, 1947.

2. For the proper and expeditious enforcement of Ordinance No. IV of 1947, the Deputy Rehabilitation Commissioner or any Assistant Rehabilitation Commissioner may—

(i) enter any premises, and examine any plant, machinery, stores, stocks, commodities, equipments, fittings and records as he may consider necessary ;

(ii) cause any premises to be broken open by any means including the forcing open of locks, breaking of doors and demolition of structures ;

(iii) freeze any stocks, stores, commodities, equipments, fittings and records found in any such premises ;

(iv) ask of any person any question which is deemed necessary ;

Price : Re. 0-2-0

(v) search, and so far as may be necessary, for that purpose, detain any person or vehicle or animal and may seize any stocks, stores, commodities, equipments, fittings or records if found in such person's possession or in such vehicle or on such animal which he is authorised to requisition or assume possession of and to remove the same or cause them to be removed to any other place ;

(vi) dispose of any property requisitioned or taken possession of by him in any manner best suited, in his opinion, to the purposes of the Ordinance aforesaid.

3. Every person in charge of any premises, vehicle or animal which is, or is sought to be, entered into or searched under the above provisions shall allow the authority making the demand access to such premises, vehicle or animal, and every person questioned thereunder shall be bound to answer all questions put to him truthfully and to the best of his knowledge.

No. 60-CR-47/8000—In exercise of the powers conferred on the Provincial Government under section 10 of the West Punjab Ordinance No. IV of 1947, the Governor of West Punjab is pleased to make the following rules :—

1. These rules may be called the West Punjab Economic Rehabilitation Rules, 1947.

2. The Rehabilitation Commissioner may by order in writing delegate generally for any local area or purpose all or any of the powers vested in him under the Ordinance to the Deputy Rehabilitation Commissioner or an Assistant Rehabilitation Commissioner.

G. MUEEN-UD-DIN, Secy.

REVENUE DEPARTMENT

The 1st October 1947

No. 60-CR-47/8002—In exercise of the powers conferred on the Provincial Government by section 1, subsection (2) of the Punjab Land Trespass (Emergency) Provisions Act, 1947, the Governor is pleased to extend the provisions of the Said Act, to the whole of the West Punjab Province.

G. MUEEN-UD-DIN, Secy.

The 1st October 1947

No. 60-CR-47/8004—In exercise of the powers conferred by section 2, subsection (1) of West Punjab Ordinance No. IV of 1947, the Governor is pleased to appoint the Rehabilitation Commissioner for the province of the West Punjab, to be Secretary to Government, West Punjab, in the Rehabilitation Department.

S. F. HASSAN, Secy.

EXTRAORDINARY ISSUE REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, WEDNESDAY, OCTOBER 8, 1947

HOME DEPARTMENT

NOTIFICATION

The 8th October 1947

No. 883-H-47/11397—In exercise of the powers conferred on him by clause (b) of section 2 of the Punjab Public Safety Act, 1947 (Act II of 1947) the Governor of the West Punjab is pleased to declare the whole of the West Punjab as "dangerously disturbed area" including the areas which have already been declared as such.

S. F. HASSAN

Home Secretary to

Government, West Punjab

1251 CS—1126—8-10-47—SG—PPLahore

EXTRAORDINARY ISSUE REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, MONDAY, OCTOBER 6, 1947

CIVIL SUPPLIES DEPARTMENT

MONOPOLY PROCUREMENT

NOTIFICATIONS

The 6th October 1947

No. 482-M.P.-47/342—In exercise of the powers conferred by clause 9 of the Punjab Paddy (Price Fixation) Order, 1947, the Governor of the West Punjab is pleased to make the following amendments in the Schedule annexed to clause 3 of the said Order :—

AMENDMENTS

(i) Delete item 28 of the said Schedule.

(ii) Against item 31 of the said Schedule *substitute* the word "Muzaffargarh" for the words "Muzaffargarh excluding Kot Adu Tahsil".

(iii) Renumber items 29, 30, 31 and 32 as 28, 29, 30 and 31, respectively.

2. These amendments shall come into force with effect from the 15th of October 1947.

No. 482-M.P.-47/343—In exercise of the powers conferred by clause 12 of the Punjab Paddy (Restriction of Sale and Movement) Order, 1946, the Governor of the West Punjab is pleased to make the following amendments in the Schedule annexed to the said Order :—

AMENDMENTS

(i) Delete item (xi) of the said Schedule.

(ii) Renumber items (xii) and (xiii) as (xi) and (xii), respectively.

2. These amendments shall come into force with effect from the 15th of October 1947.

No. 482-M.P.-47/344—In exercise of the powers conferred by clause 17 of the Punjab Paddy and Rice (Mill Control and Procurement) Order, 1946

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LAHORE, SATURDAY, OCTOBER 18, 1947

HOME DEPARTMENT

REHABILITATION

NOTIFICATIONS

The 18th October 1947

No. 255-RC-47/12536—In exercise of the powers conferred by section 2 (1) of Ordinance No. IV of 1947, the Governor of the West Punjab is pleased to appoint the Provincial Transport Controller as an Assistant Rehabilitation Commissioner within the district of Lahore.

No. 425-CR-47/12539—In exercise of the powers conferred on the Provincial Government by section 2(1) of the West Punjab Ordinance No. IV of 1947, the Governor is pleased to appoint all District Rehabilitation Officers in the West Punjab as Assistant Rehabilitation Commissioners.

G. MUEENUDDIN

Secretary to Government, West Punjab
Rehabilitation Department,

1312 CS—1119—18-10-47—SGPWP Lahore

EXTRAORDINARY ISSUE

REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, MONDAY, OCTOBER 27, 1947

REHABILITATION DEPARTMENT

The 27th October 1947

No. 733-RC-47/13156—In exercise of the powers conferred on the Provincial Government by Section 2 (1) of the West Punjab Ordinance No. IV of 1947 the Governor of the West Punjab is pleased to appoint the following officers of the Industries Department as Assistant Rehabilitation Commissioners :—

1. The Director of Industrial Research, West Punjab,
2. The Assistant Director of Industries, Development, West Punjab,
3. The Principal, Mayo School of Arts, Lahore,
4. The Principal, Craik Technical Institute, Lahore,
5. The Business Manager, Arts and Crafts Depôt, Lahore, and
6. The Assistant Registrar, Joint Stock Companies, Lahore.

G. MUEENUDDIN

Secretary to Government, West Punjab
Rehabilitation Department

1327 CS -1115—27-10-47—SGPWP Lahore

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The
West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, SATURDAY, OCTOBER 18, 1947

HOME DEPARTMENT

REHABILITATION

NOTIFICATIONS

The 18th October 1947

No. 255-RC-47/12536—In exercise of the powers conferred by section 2 (1) of Ordinance No. IV of 1947, the Governor of the West Punjab is pleased to appoint the Provincial Transport Controller as an Assistant Rehabilitation Commissioner within the district of Lahore.

No. 425-CR-47/12539—In exercise of the powers conferred on the Provincial Government by section 2(1) of the West Punjab Ordinance No. IV of 1947, the Governor is pleased to appoint all District Rehabilitation Officers in the West Punjab as Assistant Rehabilitation Commissioners.

G. MUEENUDDIN

Secretary to Government, West Punjab
Rehabilitation Department,

(Pr)ice : Re. 0-2-0

1312 CS—1119—18-10-47—SGPWP Lahore

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The
West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, THURSDAY, NOVEMBER 20, 1947

INDUSTRIES AND MEDICAL DEPARTMENTS

COMMERCE

NOTIFICATION

The 20th November 1947

No. 544-Com-47/16777—In exercise of the powers (co)nferred by sub-clause (iii) of clause 4 of the Multan (El)ectricity Supply (Industrial Consumers) Emergency (Or)der, 1945, the Governor of the West Punjab is pleased to order that with effect from the date of publication of this notification the stage of restriction specified in the Industries and Reconstruction Departments Notification No. 57-Com-47/1133, dated the 6th September 1947, shall be replaced by s age No. 5 of Schedule 'B' appended to the said Order.

S. M. HASSAN

Secretary to Government, West Punjab
Industries and Medical Departments

(P)rice : Re. 0-2-0

1438 CS--1087—21-11-47—SGPWP Lahor

EXTRAORDINARY ISSUE

REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, MONDAY, OCTOBER 20, 1947

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 20th October 1947

No. 505-Leg.—The following Ordinance by His Excellency the Governor of West Punjab under section 88 of the Government of India Act, 1935, is hereby published for general information :—

WEST PUNJAB ORDINANCE No. VI OF 1947

An Ordinance further to amend the Punjab Urban Immovable Property Tax Act. 1940

WHEREAS the Governor of West Punjab is satisfied that circumstances exist which render it necessary for him further to amend the Punjab Urban Immovable Property Tax Act, 1940 ;

AND WHEREAS he Legislature of West Punjab is not in session ;

NOW, THEREFORE, in exercise of the powers conferred by section 88 of the Government of India Act, 1935, the Governor is pleased to make and promulgate the following Ordinance :—

EXTRAORDINARY ISSUE

REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, TUESDAY, DECEMBER 9, 1947

WEST PUNJAB LEGISLATIVE ASSEMBLY

NOTIFICATION

The 9th December 1947

No. 7—His Excellency the Governor of the West Punjab, in exercise of the powers vested in him by clause (a) of subsection (2) of section 62 of the Government of India Act, 1935, as adapted for the Dominion of Pakistan, has been pleased to summon the West Punjab Legislative Assembly to meet at the Assembly Chamber, Lahore, at 12 noon, on Monday, the 5th January, 1948.

H. AHMED SHUJAA

SECRETARY,

West Punjab, Legislative Assembly

39 PLA- 1061—1 -12-47—SGIWP Lahore

1. (1) This Ordinance may be called the West Punjab Urban Immovable Property Tax (Third Amendment) Ordinance, 1947.

(2) It shall extend to the whole of West Punjab.

(3) It shall be deemed to have taken effect as from the 13th day of January 1941.

Act XVII of 1940

2. Section 7(1) of the Punjab Urban Immovable Property Tax Act, 1940, is amended as follows :—

The semi-colon preceding the word "and" at the end of clause (a) of the proviso shall be substituted by a comma, and the following words inserted between the comma and the word "and" :—

"or, where a valuation list has been lost or destroyed by operation of circumstances beyond control, cancel the list, direct the preparation of a new list and order recovery of pending tax to be made on the basis either of the last preceding valuation list or of the new list prepared under this proviso ; and"

R. F. MUDIE

Governor of West Punjab

M. R. KAYANI

Secretary to Government, West Punjab

Legislative Department

61 LR -1231—12-10-47—SGPWP Lahore

EXTRAORDINARY ISSUE

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The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, THURSDAY, NOVEMBER 13, 1947

DEPARTMENT OF CIVIL SUPPLIES

NOTIFICATIONS

Sugar

The 13th November 1947

No. 1289-CS(S)-47/24475—Whereas it has been shown to my satisfaction that the unregulated production of gur in the areas detailed in the attached schedule is likely to have an adverse effect on the production of sugar in the quantities required for the needs of the community I hereby make the following orders in exercise of the powers conferred by clause 5 of the Gur Control Order, 1946, as continued in force by section 5 of the Essential Supplies (Temporary Powers) Ordinance, 1946, read with Government of India, Food Department, notification No. 11-SC(17)43, dated the 21st September 1943, which orders shall come into force with immediate effect and remain in force till further notice.

2. Except under, and in accordance with, the conditions of a permit issued by me in this behalf, no sugarcane shall be exported from any of the areas mentioned in the attached schedule unless it is consigned to the Gujranwala Sugar Mills Company, Ltd., Rahwali in the Gujranwala district.

3. Except under, and in accordance with, the conditions of a permit issued by me in this behalf, no gur shall be manufactured in any of the areas mentioned in the attached schedule, provided that this order shall not be held to prohibit the manufacture of 25 per cent of the total sugarcane produced by any sugarcane grower in the areas specified in item 2 of the schedule for the personal consumption of himself and his family.

4. The price to be paid for sugarcane by the Gujranwala Sugar Mills, Rahwali, shall be not less than Rs. 1-8-0 per maund for the cane delivered to them at the gate and Rs. 1-6-0 for the cane purchased elsewhere.

5. These orders shall be given publicity by notification in the *West Punjab Gazette* and sent to the District Magistrates for publicity in the areas affected :—

EXTRAORDINARY ISSUE

REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, SATURDAY, DECEMBER 13, 1947

HOME DEPARTMENT

REHABILITATION

NOTIFICATION

The 13th December 1947

No. 1892-CR-47/211—In exercise of the powers conferred on the Provincial Government by section 2(1) of the West Punjab Ordinance No IV of 1947, the Governor of the West Punjab is pleased to appoint the following officers as Assistant Rehabilitation Commissioners :—

1. Officer on Special Duty, Department of Industries, West Punjab.

2. Assistant Director of Industries (Textile), and Officer on Special Duty, Cotton Ginning Scheme, Department of Industries, West Punjab.

3. Chief Inspector of Shops and Commercial Establishments, West Punjab.

4. Administrative Officer, West Punjab Collieries.

5. Superintendents and Assistant Superintendents of Industries in the West Punjab.

6. Textile Adviser, Department of Industries, West Punjab.

No. 1897-A-RC-47/215—In exercise of the powers conferred on the Provincial Government by section 2 (1) of the West Punjab Ordinance No. IV of 1947, the Governor of the West Punjab is pleased to appoint the Steel Licensing Authority as Assistant Rehabilitation Commissioner.

G. MUEENUDDIN

Secretary to Government, West Punjab,

Rehabilitation Department.

1595 CS—1057—15-12-47—SGPWP Lahore

SCHEDULE

1. A zone of 15 miles radius round the Sugar Factory of the Gujranwala Sugar Mills Company, Limited, Rahwali in the Gujranwala district.

2. Zones of five miles radius round the following railways stations :—

1. Lyallpur.
2. Gatti.
3. Sangla Hill.
4. Salarwala.
5. Nankana Sahib.
6. Warburton.
7. Risalwala.

Gur

The 13th November 1947

No. 1289-CS(S)-47/24480—In exercise of the powers conferred on me by clause 7 of the Gur Control Order, 1946, as continued in force by section 17 (2) of the Essential Supplies (Temporary Powers) Act, 1946, read with Government of India, Food Department, notification No. 11-SC(17)/43, dated the 21st September 1943, I hereby direct that except as hereinafter provided no person shall export or attempt to export or cause to be exported by rail, road or water any gur from any place within the districts given in the attached schedule except under a permit issued by the Director of Civil Supplies, Punjab, in such form and subject to such conditions as he may from time to time prescribe.

2. Nothing in this order shall apply to the moving of gur :—

(i) in any quantity not exceeding 5 seers if carried by a *bona fide* traveller as a part of his personal luggage ;

(ii) booked from a place outside the district to another place outside it which passes through it on its way :—

SCHEDULE

Sialkot	Sheikhupura.
Gujranwala.	Lyallpur.

E. J. COCKS

Director of Civil Supplies, West Punjab

1402 CS—1079—14-11-47—SGIWP Lahore

EXTRAORDINARY ISSUE

REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, SATURDAY, NOVEMBER 22, 1947

INDUSTRIES AND MEDICAL DEPARTMENTS

COMMERCE

NOTIFICATION

The 21st November 1947

No. 431-Com-47/17095—In exercise of the powers conferred by sub-clause (ii) of clause 4 of the Multan Electricity Supply (Industrial Consumers) Emergency Order, 1945, and all the other powers enabling him in this behalf, the Governor of West Punjab is pleased to direct that the following amendment shall be made in West Punjab Government notification No. 57-Com-47/1133, dated the 6th September 1947, enforcing the said Order :—

AMENDMENT

After the word " enforced " the following shall be deleted :—

" within the limits of the Municipal Committee, Multan "

S. M. HASSAN
Secretary to Government, West Punjab
Industries and Medical Departments

of Assistant Custodians, who shall be responsible for the maintenance of accounts of the evacuees' property situate in the areas under their charge, as hereinafter provided.

6. The accounts of the evacuees' property shall be maintained on the same lines as accounts are maintained by the Official Receivers with regard to insolvent estates, as given in Part B of Chapter 5 (B) of Volume II of High Court Rules and Orders, subject to the following modifications :—

(a) The Custodian shall not directly handle the cash tendered to him by any party, in relation to any evacuee property, and shall direct the party to deposit the amount directly into the Treasury on duplicate *chalans* to be prepared by his office, provided that where the amount tendered is less than Rs. 500, the Custodian shall receive the amount but see that it is deposited into the Treasury on the same or on the next working day. Provided also that if any amount is brought to the Custodian's Office in execution of any order passed by him or consists of sale proceeds of any property, he shall accept the amount, even if it exceeds the limit of Rs. 500 indicated above, but shall see that it is deposited into the Treasury on the same or the next following working day.

(b) The Custodian shall maintain a separate account of the property of each evacuee coming into his possession and, for this purpose shall keep a ledger, a cash book, a register of immovable property, a register of movable property, a demand and collection register and other registers, forms of which are annexed hereto, and such other registers as may be directed to be kept by the Custodian from time to time.

(c) If an evacuee holds property in more than one district, there shall be a separate account in each of the districts where any such property is situated.

(d) Accounts shall be kept tehsil-wise and in the case of urban properties situated in the limits of municipalities or Corporations ward-wise.

EXTRAORDINARY ISSUE

REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, THURSDAY, DECEMBER 11, 1947

HOME DEPARTMENT

Gazette

NOTIFICATION

The 11th December 1947

No. 1751-G-47/19782—It is hereby notified that the holidays enumerated in the annexed schedule as holidays to be observed in public offices under the West Punjab Government during the year 1948 shall further be public holidays within the meaning of section 25 of the Negotiable Instruments Act, 1881.

2. These holidays should be given to all Government servants, subject to the condition that it should be open to the head of an office to stop a holiday notified under the Act in the case of any individual guilty of idleness or inattention to duty, unless the day in question is deemed specially sacred by the members of the religion which the offender professes.

3. In addition to the holidays specified in the schedule all Government offices will be closed on the following day :—

Thursday, the 30th December .. For Christmas

4. Local holidays for great festivals or fairs peculiar to particular places may be granted at the discretion of heads of offices : provided always that there are no arrears of work. The maximum number of such holidays that may be given by district officers is seven. This number should not be exceeded, and district officers should themselves fix each year the local holidays to be observed in their districts up to or within the prescribed maximum of seven. This may be done without previous reference to the Commissioner of the division, but a list of holidays fixed should be sent to him for information. All establishments should be allowed, subject to the condition laid down in the case of public holidays under the Negotiable Instruments Act, 1881, to take full advantage of holidays.

of Assistant Custodians, who shall be responsible for the maintenance of accounts of the evacuees' property situate in the areas under their charge, as hereinafter provided.

6. The accounts of the evacuees' property shall be maintained on the same lines as accounts are maintained by the Official Receivers with regard to insolvent estates, as given in Part B of Chapter 5 (B) of Volume II of High Court Rules and Orders, subject to the following modifications :—

(*a*) The Custodian shall not directly handle the cash tendered to him by any party, in relation to any evacuee property, and shall direct the party to deposit the amount directly into the Treasury on duplicate *chalans* to be prepared by his office, provided that where the amount tendered is less than Rs. 500, the Custodian shall receive the amount but see that it is deposited into the Treasury on the same or on the next working day. Provided also that if any amount is brought to the Custodian's Office in execution of any order passed by him or consists of sale proceeds of any property, he shall accept the amount, even if it exceeds the limit of Rs. 500 indicated above, but shall see that it is deposited into the Treasury on the same or the next following working day.

(*b*) The Custodian shall maintain a separate account of the property of each evacuee coming into his possession and, for this purpose shall keep a ledger, a cash book, a register of immovable property, a register of movable property, a demand and collection register and other registers, forms of which are annexed hereto, and such other registers as may be directed to be kept by the Custodian from time to time.

(*c*) If an evacuee holds property in more than one district, there shall be a separate account in each of the districts where any such property is situated.

(*d*) Accounts shall be kept tehsil-wise and in the case of urban properties situated in the limits of municipalities or Corporations ward-wise.

5. This notification does not apply to holidays be observed by the High Court and the Civil ourts, subordinate thereto, or to Government rvants in educational institutions which are overned by special instructions issued by the overnment in the Education Department or (in the ase of industrial schools and institutions) in the epartment of Industries and Labour.

SCHEDULE

List of holidays for public offices during the year 1948

Name of holidays	Date on which they fall	Day or days of the week	Number of holidays
General Holidays			
ll Sundays ..	..	..	52
New year's day ..	1st January ..	Thursday ..	1
Bank holiday ..	30th June ..	Wednesday ..	1
Pakistan day ..	15th August ..	Sunday ..	1
Muslim Holidays			
Akhri Chahar Shamba	7th January ..	Wednesday ..	1
Id'-il-Milad ..	24th January .	Saturday ..	1
Shab-i-Barat ..	23rd June ..	Wednesday ..	1
umta-ul-Wida ..	6th August ..	Friday ..	1
I'-ul-Fitar ..	7th and 9th August.	Saturday and Monday.	2
Muslim Holidays—concld.			
Id'-ul-Zuha ..	13th, 14th and 15th October	Wednesday, Thursday and Friday.	3
Muharram ..	9th, 10th, 11th and 12th Nove er.	Tuesday, Wednesday, Thursday an Friday.	4
Akhri Chahar Shamba..	29th Decem be r	Wednesday ..	1
Christian Holidays			
Easter holidays ..	26th, 27th and 29th March	Friday, Saturday and Monday.	3
Christmas holidays ..	24th, 25th, 26th, 27th, 28th and 31st December.	Friday, Saturday, Sunday, Monday, Tuesday and Friday	6
Hindu Holidays			
Basant Panchmi ..	15th February	Sunday ..	1
Holi ..	25th March ..	Thursday ..	1
Besakhi ..	13th April ..	Tuesday ..	1
Dussehra ..	12th October	Tuesday ..	1
Diwali ..	30th October..	Saturday ..	1
Sikh Holidays			
Guru Nanak's Birthday	*	* ..	1

*The date and the day on which this holiday falls will be declared later.

H. A. MAJID

Chief Secretary to Government, West Punjab

1576 IIA—1657—13-12-47—SGPWP Lahore

EXTRAORDINARY ISSUE REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, TUESDAY, DECEMBER 16, 1947

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 15th December 1947

No. 508-Leg.—In exercise of the powers conferred by section 19 of the West Punjab Protection of Evacuee Property Ordinance, 1947, the following rules have been framed by the Provincial Government and are, hereby, published :—

Rules under section 19 *of West Punjab Ordinance VII of* 1947

1. In these rules, " the Ordinance " means the West Punjab Protection of Evacuee Property Ordinance, 1947.

2. The Central Office of the Custodian of Evacuees' Property, West Punjab, shall be situated at Lahore.

3. There shall be district offices of the Custodian in those districts of the Province where the Provincial Government decides to set up such offices.

4. Each of the district offices shall be in the charge of a Deputy Custodian, who will be assisted in his work by one or more Assistant Custodians.

5. The Deputy Custodian shall be primarily responsible for the work of each district office. In particular, he shall supervise the work of Assistant Custodians, who shall be responsible for the maintenance of accounts of the evacuees' property situate in the areas under their charge, as hereinafter provided.

6. The accounts of the evacuees' property shall be maintained on the same lines as accounts are maintained by the Official Receivers with regard to insolvent estates, as given in Part B of Chapter 5 (B) of Volume II of High Court Rules and Orders, subject to the following modifications :—

(*a*) The Custodian shall not directly handle the cash tendered to him by any party, in relation to any evacuee property, and shall direct the party to deposit the amount directly into the Treasury on duplicate *chalans* to be prepared by his office, provided that where the amount tendered is less than Rs. 500, the Custodian shall receive the amount but see that it is deposited into the Treasury on the same or on the next working day. Provided also that if any amount is brought to the Custodian's Office in execution of any order passed by him or consists of sale proceeds of any property, he shall accept the amount, even if it exceeds the limit of Rs. 500 indicated above, but shall see that it is deposited into the Treasury on the same or the next following working day.

(*b*) The Custodian shall maintain a separate account of the property of each evacuee coming into his possession and, for this purpose shall keep a ledger, a cash book, a register of immovable property, a register of movable property, a demand and collection register and other registers, forms of which are annexed hereto, and such other registers as may be directed to be kept by the Custodian from time to time.

(*c*) If an evacuee holds property in more than one district, there shall be a separate account in each of the districts where any such property is situated.

(*d*) Accounts shall be kept tehsil-wise and in the case of urban properties situated in the limits of municipalities or Corporations ward-wise.

(*f*) For the purposes of sections 9 and 15, the Custodian shall have regard for the following objects :—

(1) To arrange for and facilitate the resettlement and rehabilitation of refugees.

(2) To arrange on a reciprocal basis for the liquidation of evacuees' property in East and West Punjab.

(3) To facilitate the rehabilitation of the economic life of the Province.

(4) To maintain the stability of the currency and the credit system.

Illustrations :—

(*a*) Transactions the object of which is to retain the real benefit in the hands of the evacuee by means of a *benami* transfer or appointment of a new agent would not be recognised.

(*b*) Any transaction which would prejudice the preparation and execution of a scheme of pooling of evacuee properties to be framed under the provisions of subsection 3 of section 4 read with clause (i) of section 12 of the Ordinance shall not be recognised.

(*c*) Restoration of Evacuee Property may not be allowed if it appears that there is likelihood of removal of commercial stocks or assets pertaining to factories, to some place outside West Punjab.

10. The Custodian of Evacuee Property, West Punjab, may delegate all or any of his powers or functions under the Ordinance, or under these rules to the Additional Custodian or any Deputy Custodian, subject to such conditions as he may deem fit.

11. No Court shall take cognizance of a complaint of an offence punishable under section 7 of the Ordinance unless the complaint is lodged in writing by the Deputy Custodian of the area in which the offence was committed or by the Additional Custodian or the Custodian of Evacuee Property, West Punjab.

12. The Custodian of Evacuees' Property, West Punjab, may of his own motion if he deems fit, transfer any proceedings pending before a Deputy Custodian to any other Deputy Custodian or to the Additional Custodian or to himself, for disposal. The Deputy Custodian to whom such proceedings are transferred shall have the power to decide the matter in dispute irrespective of the fact that he is or is not the " Prescribed Custodian " within the meaning of rule 10.

13. The form of lease to be granted under section 12 (*b*) shall be such as may be specified by the Custodian, having regard to the circumstances of each case.

14. Whenever an application under sections 8, 9 or 15 or an appeal under section 10 of the Ordinance, is presented to a Custodian, notice of the application or appeal, as the case may be, shall be sent to the Rehabilitation Authority concerned, so that if the Authority so desires, it may take part in the proceedings.

M. R. KAYANI

Secretary to Government, West Punjab
Legislative Department

FORM No. 1

INDEX REGISTER

District——————
Tahsil——————

Name and father's name of evacuee	Firm's name, if any	Date on which property taken over	Reference to page of registers: Register of movable property	Register of immovable property	Register of debts due from evacuee	Demand and Collection Register	Ledger	Date on which property restored or disposed of	REMARKS
1	2	3	4 (a)	4 (b)	4 (c)	4 (d)	4 (e)	5	6

N. B.—This register shall have also an alphabetical index in the beginning.

FORM No. 2

REGISTER OF IMMOVABLE PROPERTY OF EVACUEE

District——————
Tahsil——————

Serial No.	Particulars of property	Where situated	Extent of share or interest of evacuee	Estimated value by evacuee or by Custodian	Name of mortgagee, if any	Amount of mortgage	Reference to order, if restored	Reference to page of Demand and Collection Register if leased or given or rent	Amount for which sold: Date on which property taken over	Date of auction and Serial No. of sale list	Amount	Amount realised: Number and date of receipt	Amount	REMARKS
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
						Rs. A. P.					Rs. A. P.		Rs. A. P.	

FORM No. 3

REGISTER OF MOVABLE PROPERTY OF EVACUEE

District——————
Tahsil——————

Serial No.	Description of property	Number of articles	Value as per report of Custodian	Date on which taken over	In what condition	Reference to order if restored	Sale Proceeds: Reference to Serial No. in the sale list	Number and date of receipt/chalan	Amount	REMARKS
1	2	3	4	5	6	7	8	9	10	11
			Rs. A. P.						Rs. A. P.	

FORM No. 4

REGISTER OF DEBTS DUE FROM OR CLAIM AGAINST EVACUEE

District——————

Tehsil——————

Serial No.	Creditor's name with address	Nature of Creditor's claim	Amount of debt or claim	Reference to order determining the debts or claim as admitted	Amount of debt or claim proved — Secured — Principal	Secured — Interest	Unsecured — Principal	Unsecured — Interest	Remarks
1	2	3	4	5	6	7	8	9	10
			Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	

FORM No. 5

DEMAND AND COLLECTION REGISTER FOR THE YEAR——NAME OF——EVACUEE

District ——————

Tehsil ——————

Serial No.	Name and address of person by whom the demand is payable	Nature of demand and instalments	Reference to order, if any	Arrears	Demand — Current demand	Demand — Total	Signature of Custodian	Amount realised — Number and date of receipt	Amount realised — Amount	Balance carried over to next year's register	Initials	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
				Rs. A. P.	Rs. A. P.	Rs. A. P.			Rs. A. P.	Rs. A. P.		

FORM No. 6

SALE LIST OF PROPERTY SOLD BY THE CUSTODIAN OF——————DISTRICT

Tehsil ——————

Serial No.	Date of sale	Particulars of property	Number of articles, if any	Name of estate	Reference to page No. of Property Register	Amount for which sold	Amount recovered at the time of sale	Balance left due	Name of bidder	Thumb impression or signature of purchaser *i.e.*, bidder	Number and date of receipt issued	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
						Rs. A. P.	Rs. A. P.					

FORM No. 7

COUNTERFOIL OF RECEIPT	RECEIPT
Book No. ———	Book No. ———
Receipt No. ———	Serial No. ———
Received from ——— on account of ——— the sum of Rs. ——— for credit to the estate of ———	Received from ——— on account of ——— the sum of Rs. ——— for credit to the estate of ———
Rs. ———	Rs. ———
Date ———	Date ———
District ———	District ———
Custodian	Custodian

FORM No 8

CONTINGENT BILL

District ———

Tehsil ———

DISTRICT		VOUCHER No. ——— OF
Serial No. of sub-voucher	Particulars	Amount
		Rs. A. P.
	Total ..	

Place

Date ———

Pay Rs. ———

No. and date of cheque

Custodian

(Date——————)

Custodian

FORM No. 9

PERMANENT ADVANCE ACCOUNT

District ———

Tehsil ———

Date	Number of sub-voucher	To whom paid	Particulars of payment	Name of estate or other head of account to which debitable	Amount	REMARKS (No. and date of cheque on which recouped)
1	2	3	4	5	6	7
					Rs. A. P.	

FORM No. 10

REGISTER SHOWING RECEIPTS AND ADMINISTRATION CHARGES FOR THE MONTH OF ——————19

District——————

Tehsil ——————

Serial No.	Name of evacuee.	Reference to page of ledger	Administration Charges				Remarks
			Commission at $7\frac{1}{2}$ per cent.	Audit fee at Re. 1-4-0 per cent.	Office charges at Re. 1-4-0 per cent.	Total	
1	2	3	4	5	6	7	8
			Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
	Total ..						

FORM No. 11

CASH BOOK

District ——————

Tehsil ——————

Receipts							Remittance to Treasury		Expenditure							
Date	Folio No. of ledger	On what account and from whom received	Number of receipt or challan	Amount	Daily Total	Progressive total	Number and date of challan	Amount remitted	Date	Folio No. of ledger	On what account and to whom paid	Number of voucher and cheque	Amount	Daily total	Progressive total	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
				Rs. A. P.	Rs. A. P.	Rs. A. P.							Rs. A. P.	Rs. A. P.	Rs. A. P.	

NOTE—An explanation should always be recorded in the remarks column to explain the delay, if any, in sending the amounts received to the Treasury.

FORM No. 12

REGISTER SHOWING CLOSING BALANCE AT THE CREDIT OF EACH ESTATE OR OTHER HEAD OF ACCOUNT DURING THE YEAR——

DISTRICT——
TEHSIL——

Particulars of ledger	Closing balance on the last working day of												Remarks
	April 19	May 19	June 19	July 19	August 19	September 19	October 19	November 19	December 19	January 19	February 19	March 19	
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Office charges ..													
Deposit account													
Estate of ..													
Ditto ..													
Ditto ..													
Total ..													

FORM No. 13

LEDGER ACCOUNT OF THE ESTATE OF ——EVACUEE.

DISTRICT——
TAHSIL——

Date	Received			Remarks	Disbursed				Remarks
	From whom received and on what account	Number of receipts	Amount		Date	To whom paid and on what account	Number of Voucher	Amount	
			Rs. A. P.					Rs. A. P.	

FORM No. 14.

LIST OF OFFICE FURNITURE

DISTRICT——
TAHSIL——

Serial No.	Particulars of furniture	Date of purchase	No. and month of cash book's voucher	Value	Purpose for which it is used	Signature of custodian	Remarks
1	2	3	4	5	6	7	8
				Rs. A. P.			

FORM No. 15

STOCK BOOK SHOWING DETAILS OF THE ARTICLES OF STATIONERY, ETC., RECEIVED OR ISSUED DURING THE YEAR 19 IN THE OFFICE OF THE CUSTODIAN OF EVACUEES' PROPERTY.

DISTRICT——

TAHSIL——

From whom received or to whom issued	Date of receipt or issue	Cost or value realised on permanent articles only marked																						Remarks including signatures of persons to whom articles have been issued
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
Receipts .. .. In stock on 1st ——19 .		Rs.																						
Total receipts during ——19 .																								
Issues .. .. Total issues during ——19 .																								
Balance in stock on 1st ——19 .																								

NOTE.—All entries in this Register relating to receipts of articles should be made in red ink and all issues in black ink. Columns 4 to 24 are left blank to be filled in with names of articles received and issued.

FORM No. 16

MALKHANA REGISTER

DISTRICT——

TAHSIL——

Serial No.	Name of estate	Particulars of property	Date of possession	Date of disposal	REMARKS

FORM No. 17

MALKHANA LABELS

DISTRICT——

TAHSIL——

Name of estate——

Date of possession ——

Serial No. of "Malkhana" Register——

70 LR—1457—17-12-47—SGP WP Lahore

EXTRAORDINARY ISSUE REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, TUESDAY, DECEMBER 16, 1947

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 15th December 1947

No. 507-Leg.—The following Ordinance by His Excellency the Governor of West Punjab under section 88 of the Government of India Act, 1935, is hereby published for general information :—

WEST PUNJAB ORDINANCE No. VIII OF 1947

WHEREAS the Legislature of West Punjab is not in session,

AND WHEREAS an emergency has arisen which renders an exchange of certain classes of prisoners between West Punjab and the Dominion of India a matter of urgent necessity,

NOW THEREFORE in exercise of the powers conferred by section 88 of the Government of India Act, 1935 and in pursuance of instructions received from the Governor-General, the Governor of West Punjab is pleased to make and promulgate the following Ordinance, namely :—

PART I

Preliminary

hort title, xtent and ommencement

1. (*1*) This Ordinance may be called the West Punjab (Exchange of Prisoners) Ordinance, 1947.

(*2*) It shall extend to the whole of West Punjab.

(*3*) It shall come into force at once.

Operation of Ordinance

2. The provisions of this Ordinance shall have force and operation notwithstanding anything contrary or repugnant thereto in any other law for the time being in force.

PART II

Of the transfer of prisoners

Power of Provincial Government to rder removal f transferable prisoners

3. The Provincial Government may issue a warrant for the custody and removal of any transferable prisoner from any prison or other place of detention, and for his delivery at a place and to a person specified in the warrant ;

Provided that such person shall be an official of the Dominion of India or of the Government of East Punjab, who has been duly authorised in writing by name or designation of office, to receive such prisoner.

Officer in charge of prison or place of detention to deliver custody of ransferable risoner

4. Upon presentation of a warrant issued under section 3 the Officer in charge of the prison or other place of detention where the transferable prisoner named in the warrant is confined shall cause him to be delivered to the person to whom the warrant is directed together with the warrant of commitment, the history sheet and all other documents relating to him, and the personal effects taken from him at the time of his admission, and such person shall furnish to such officer in charge a written receipt in respect of such delivery.

voidance of urisdiction of Courts and uthorities ver transferble prisoners

5. (*1*) Upon the delivery of custody of a transferable prisoner in compliance with a warrant issued under section 3 to the person, being an official of the Dominion of India or of the Government of East Punjab, specified therein, all Courts and authorities whatsoever in West Punjab shall cease to have and exercise jurisdiction in relation to such prisoner, in respect of the offence or other matter which was the cause of his confinement or detention in West Punjab.

(2) The Provincial Government may requisition the record of any proceedings (including judicial proceedings) relating to any transferable prisoner for whose removal a warrant has been issued under section 3, from any court or office where such record may be kept, and may direct that such record shall be delivered along with such prisoner to the person, being an official of the Dominion of India or of the Government of East Punjab, specified in the aforesaid warrant, or otherwise forwarded to an appropriate authority in the Dominion of India.

Examination of witnesses on commission

6. (*1*) If in relation to any criminal matter pending before a Court in the Dominion of India against any transferable prisoner who has been transferred to that Dominion under this Part, a letter of request issued by such Court is produced before the District Magistrate of any district in West Punjab for the examination of any witness residing in such district, the District Magistrate shall issue a commission for the purpose to any Magistrate subordinate to him.

(*2*) Such Magistrate shall summon and examine the witness in the presence of a duly authorised police or law officer of the Provincial Government and, so far as may be possible, an agent of the accused or of the Dominion of India or of the Government of East Punjab, and in respect of such examination, the Magistrate shall exercise all such powers as he possesses for the examination of witnesses in cases within his jurisdiction.

(*3*) When the commission has been duly executed, it shall be returned, together with the evidence taken unde it to the District Magistrate, and the District Magistrate shall then transmit the papers so received along with the letter of request, to the issuing Court, through such channel as may be prescribed.

PART III

Of the repatriation of prisoners

Custody and removal of repatriated prisoners

7. (*1*) The Provincial Government or any District Magistrate, Additional District Magistrate or Sub-Divisional Magistrate specially authorised in this behalf by the Provincial Government may issue warrants for the custody and removal of repatriated prisoners.

(*2*) A warrant under subsection (1) may be directed to an official, by name or designation of office, and shall specify the place at which custody of the repatriated prisoner, together with any property and documents which may have been sent along with him shall be received, and the prison to which he is to be removed.

Delivery of repatriated prisoner at prison

8. Upon presentation of a warrant issued under section 7, the officer in charge of the prison specified therein shall receive such repatriated prisoner and any property and documents which may be produced along with him, and

Detention where warrant arrived with prisoner

(*a*) where a warrant, writ or order of commitment to any prison or place of detention in which he was held immediately before repatriation is produced along with such prisoner, shall detain him according to the exigency of such warrant, writ or order, subject to any warrant, writ or order which may be issued thereafter in respect of such prisoner by any Court or authority exercising jurisdiction under the provisions of this Part, and

Detention where no warrant received with prisoner

(*b*) where no warrant, writ or order of commitment is produced along with such prisoner, such officer in charge shall forthwith report the case, with all necessary details, to the District Magistrate and to the High Court, and shall in the mean time detain such prisoner.

Missing warrant to be reconstructed

9. (*1*) Upon receipt of a report under clause (*b*) of section 8, the District Magistrate shall, with all convenient speed, procure the records (including judicial records) relating to such prisoner, and after such enquiry as he deems necessary, shall determine the nature and term of the detention which such prisoner was undergoing immediately before his repatriation, and shall draw up a warrant accordingly, committing such prisoner to the prison where he is detained for the balance of such term, or until further orders are received from any Court or authority having jurisdiction in the case.

Report to High Court

(*2*) Such warrant of commitment shall be forwarded to the Officer in charge of the said prison, and the District Magistrate shall, at the same time, forward the original record, or a complete copy of his proceedings to the High Court.

Bail in case of delay

(3) If any enquiry under subsection (1) is prolonged beyond a period of two months from the date on which the repatriated prisoner was received at the prison, the District Magistrate shall release such prisoner on bail, unless he has reason to believe that such prisoner has been convicted of a prescribed offence and is undergoing a sentence of which the balance exceeds two years.

(4) The bail bond required under subsection (3) may be with or without sureties and shall be in such form as may be prescribed.

High Court's jurisdiction

10. The High Court shall have, in relation to a repatriated prisoner, the same jurisdiction which it has in relation to a person who has been arrested or detained within the limits of its appellate jurisdiction, in the same circumstances in which such prisoner was arrested or detained in the Dominion of India immediately before his repatriation.

Entrustment of cases to Courts subordinate to the High Court

11. (1) The Provincial Government may, in respect of any repatriated prisoner or any class or group of repatriated prisoners, by order specify the Court, other than the High Court, which shall have or exercise jurisdiction in any case or cases which may have been pending against such prisoner or prisoners, immediately before his or their repatriation.

Provided that such Court shall be a Court which would have had jurisdiction to enquire into or try such case or cases, if the offence or offences involved had been committed within its jurisdiction.

India Act, V of 1898

(2) On the making of an Order under subsection (1), every case mentioned in such order shall be deemed to have been transferred for disposal to the Court specified in such order, and such Court shall proceed to hear and decide such case according to law, as if the offence to which it relates had been committed within the local limits of its jurisdiction, and all the provisions of the Criminal Procedure Code (including the provisions relating to appeal and revision) and of all other laws in force in West Punjab shall apply to such proceedings.

Evidence already recorded to be evidence in the case

(3) In any proceedings under subsection (2), all evidence, both oral and documentary, which has been duly received in the earlier proceedings against the repatriated prisoner held prior to his repatriation may, if duly authenticated, be received as evidence, for the same purposes as it may have been received if it had been recorded by a Court exercising similar jurisdiction in the Dominion of Pakistan.

(4) Exhibits, depositions and copies thereof shall be deemed to be duly authenticated if they purport to be duly signed, verified or certified by a Judge or Magistrate having jurisdiction at the place where the earlier proceedings against the repatriated prisoner, prior to his repatriation, were held.

Treatment of prisoners who are repatriated while in police custody

12. (1) The Provincial Government may in respect of any repatriated prisoner, who, immediately before repatriation, was held under arrest or detention in police custody, during or after completion of a police investigation, specify a Magistrate of the first class who shall have and exercise jurisdiction.

(2) Every repatriated prisoner in respect of whom an order has been made under subsection (1) shall be produced without delay before the Magistrate specified in the order, and such Magistrate may take cognizance of any offence that such repatriated prisoner may be reported by a police officer to have committed, and may grant him bail.

(3) Where the repatriation was effected before completion of the police investigation, or the Magistrate is of the opinion that the evidence is deficient, the repatriated prisoner shall be released upon his entering into a bond, with or without sureties, as the Magistrate may direct, to appear if and when so required, and in the meantime, the Magistrate may order such further enquiry into the substance of the allegations as he thinks fit.

(4) In every case falling under subsection (3), the Magistrate may, if he is satisfied at any stage that there is no prospect of securing sufficient evidence to justify commencement of proceedings against the repatriated prisoner, direct that such prisoner be discharged from his bond.

Bar to proceedings

13 (1) No proceedings shall be taken against a repatriated prisoner unless the offence for which he has been arrested or detained is also an offence under the law in force in West Punjab.

Prior sanction for prosecution

(2) Where the offence charged against a repatriated prisoner is one for which a prosecution could not have been instituted in the Dominion of India or, if the offence had been committed in West Punjab, in any Court in

West Punjab, without the sanction of an authority specified by the relevant law, no prosecution shall be instituted against such prisoner, nor shall any proceedings be commenced or continued against him, without the sanction of the authority specified for the purpose by the law in force in West Punjab, or failing such authority, of the Provincial Government.

Power of Provincial Government in relation to prisoners detained for reasons of security

14. In relation to any repatriated prisoner whose detention immediately before his repatriation had been ordered under any law authorising preventive detention for reasons connected with public order, the Provincial Government shall have the same power in respect of extension or reduction of the term of detention as it possesses in relation to persons detained under section 3 of the Punjab Public Safety Act, 1947, as in force in West Punjab.

Power of Provincial Government to suspend, remit or commute sentences

15. The Provincial Government shall have the same power to suspend, remit or commute a sentence of punishment awarded to a repatriated prisoner, whether before or after his repatriation, as it possesses in relation to persons who have been sentenced in the Province for offences committed within the Province.

Power of Courts to grant bail

India Act, V of 1898

16. The High Court and every Court specified by the Provincial Government under section 11 shall have, in respect of any repatriated prisoner who is rendered subject to the jurisdiction of such Court under the provisions of this Part, the same power of granting bail under the Code of Criminal Procedure, as such Courts would have had if such prisoner had been arrested or detained in the first instance in West Punjab.

PART IV

General

Lawfulness of custody and retaking upon escape

17. It shall be lawful for any person to whom a warrant under section 3 or section 7 is directed to receive, hold in custody, convey and deliver the transferable or repatriated prisoner named in the warrant as directed therein, and if any such prisoner escapes out of any custody to which he may be delivered in pursuance of any such warrant, he may be retaken as a person accused or convicted of an offence against the law of West Punjab may be retaken upon an escape.

Power to make rules

18. (1) The Provincial Government may make rules to carry out the purposes of this Ordinance.

(2) Without prejudice to the generality of the power conferred by subsection (1), such rules may provide for the following matters, namely :—

(*a*) the channel through which communication and return of letters of request to District Magistrates under section 6 shall be effected ;

(*b*) the specification of offences for the purposes of subsection (3) of section 9 ; and

(*c*) any other matter which may or ought to be prescribed.

Definitions

19. In this Ordinance, unless the subject or context otherwise requires—

(*a*) the expression "prison" includes a central, district or subsidiary jail, a judicial lock-up, a police lock-up, and every place which is used as a place of detention for persons who have been arrested or detained under any law for the time being in force ;

(*b*) the expression "prisoner" includes every person who is detained in a prison by order of a competent authority ;

(*c*) the expression "transferable prisoner" means any Hindu or Sikh who is in custody in any prison in West Punjab under lawful orders of a duly empowered Court or other authority, and who is willing to be transferred to the Dominion of India under the provisions of Part II ;

(*d*) the expression "repatriated prisoner" means a member of any of the classes specified in the first column of the Schedule who being in custody in a prison or other place of detention in a Province or State specified in the second column of the said Schedule is conveyed and delivered by a duly authorised official of the Dominion of India or the Government of East Punjab in compliance with the orders of such Government, to an official of West Punjab Government; and

(*e*) "prescribed" means prescribed by rules made under this Ordinance.

R. F. MUDIE
Governor of West Punjab

M. R. KAYANI
Secretary to Government, West Punjab
Legislative Department

SCHEDULE

(SECTION 19)

Class	*Province or State*
Members of a Civil Service of the Crown in Pakistan.	All the Provinces of the Dominion of India and all States that have acceded to that Dominion.
Muslims ..	The Province of East Punjab, the States of Alwar and Bharatpur, and the States previously known as the Punjab States, excluding Malerkotla, Bahawalpur and Khairpur.

69LR—1469—16-12-47—SGPWP Lahore.

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The

West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, THURSDAY, DECEMBER 18, 1947

LEGISLATIVE DEPARTMENT

The 17th December 1947

No. 509-Leg.—The West Punjab Municipal (Amendment) Bill is published for general information under the proviso to rule 83 of the Rules of Procedure of the Punjab Legislative Assembly :—

The West Punjab Municipal (Amendment) Bill, 1947

A

BILL

to amend the Punjab Municipal Act, 1911

IT IS hereby enacted as follows :—

Short title.

1. This Act may be called The West Punjab Municipal (Amendment) Act, 194 .

Amendment of section 193 of Punjab Act, III of 1911.

2. After subsection (1) of section 193 of the Punjab Municipal Act, 1911, the following subsection shall be inserted, namely :—

" (1-A) When the erection or re-erection of a building is likely, in the opinion of the Committee, to interfere with the enforcement of a scheme proposed under section 192, the Committee may refuse its sanction, and shall communicate its refusal in writing together with the grounds therefor, to the applicant, within sixty days of the receipt of his application, and the applicant may thereafter by written notice require the Committee to proceed with the preparation of the proposed scheme with all possible speed. The application shall be deemed to have been sanctioned if an order of refusal is not

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West Punjab Gazette

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LAHORE, FRIDAY, DECEMBER 19, 1947

DEPARTMENT OF FOOD SUPPLIES

NOTIFICATION

The 17th December 1947

No. 3642-CS(R-D)-47/1737—In exercise of the powers conferred by clause 5 of the Punjab Food (Meals in Establishment) Order, 1946, the Governor of the West Punjab is pleased to relax the provisions of clause 4 of the said Order, to the extent that the amount which may be paid for a dinner at or to a Catering establishment shall not exceed Rs. 7 provided that dinner includes traditional Christmas Fare and is served on December 24th, December 25th, December 31st, 1947 or January 1st, 1948.

I. U. KHAN

Secretary to Government, West Punjab

1740 LR—1053 - 19-12-47-- SGPWP Lahore

passed by the Committee within the time specified above, or if the proposed scheme has not received the sanction of the Provincial Government within twelve months of the date of delivery of the applicant's written notice, as provided above.

Explanation—A scheme shall be deemed to have been proposed under section 192 if a requisition for its preparation has been received by the Committee from the Commissioner or if the preparation of the scheme is under the consideration of the Committee."

STATEMENT OF OBJECTS AND REASONS

In a judgment published as "Administrator, Lahore Municipality *versus* Munir-ud-Din" (I. L. R. 22 Lahore 278), a Division Bench of the Lahore High Court has held that the existence of a proposed building scheme under section 192, Punjab Municipal Act, 1911, is not a valid ground for refusing an application to erect or re-erect a building within the area covered by the scheme under section 193 of that Act. As the entire object of such a scheme is likely to be defeated if, while it is under consideration buildings are constructed which contravene its proposed provisions, it is proposed to amend section 193 so as to enable Committees to prevent the erection or re-erection of such buildings for a period of at least twelve months, within which time if the sanction of the Provincial Government to the scheme is obtained, the refusal shall become absolute, but otherwise, the application shall be deemed to have been sanctioned. The proposed amendment is based on the provisions of clause (d) of section 264 of the City of Lahore Corporation Act, 1941.

KARAMAT ALI
Minister-in-Charge

M. R. KAYANI
Secretary, Legislative Department

71 LR -1207—18-12-47—SGPWP Lahore

EXTRAORDINARY ISSUE REGISTERED No. L 864

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, SATURDAY, DECEMBER 20, 1947

GOVERNMENT OF THE WEST PUNJAB

CIVIL SUPPLIES DEPARTMENT

(MONOPALY PROCUREMENT)

The 20th December 1947

No. 1728-MP-47/1810-A—In exercise of the powers conferred on me by clause 2 (a) of the Punjab Hoarding of Foodgrains Order, 1947, I, Wazir Ali Shaikh, Director General of Food, authorise Mr. S. Alamgir, Additional Director Food (Reserve) and Deputy Secretary to Government, West Punjab, Civil Supplies Department, to exercise within the limits of the West Punjab, the powers of a District Magistrate for the purposes of all the provisions of the said Punjab Hoarding of Foodgrains Order, 1947.

W. A. SHAIKH

Director General of Food, and
Additional Secretary to Government
West Punjab, Civil Supplies Department

1759 LR - 1053 - 22-12-47—SGPWP Lahore

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LAHORE, FRIDAY, DECEMBER 19, 1947

DEPARTMENT OF FOOD SUPPLIES

NOTIFICATION

The 17th December 1947

No. 3642-CS(R-D)-47/1737—In exercise of the powers conferred by clause 5 of the Punjab Food (Meals in Establishment) Order, 1946, the Governor of the West Punjab is pleased to relax the provisions of clause 4 of the said Order, to the extent that the amount which may be paid for a dinner at or to a Catering establishment shall not exceed Rs. 7 provided that dinner includes traditional Christmas Fare and is served on December 24th, December 25th, December 31st, 1947 or January 1st, 1948.

I. U. KHAN

Secretary to Government, West Punjab

1740 LR—1053 - 19-12-47—SGPWP Lahore

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The
West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, SATURDAY, DECEMBER 27, 1947

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 26th December 1947

No. 510-Leg.—The West Punjab (Exchange of Prisoners) Bill is hereby published for general information under the proviso to rule 83 of the Rules of Procedure of the Punjab Legislative Assembly :—

A

BILL

to provide for the exchange of prisoners between West Punjab and the Dominion of India

Preamble. WHEREAS it is necessary to make provision for the exchange of certain classes of prisoners between West Punjab and the Dominion of India ;

IT IS hereby enacted as follows :—

PART I

Preliminary

Short title, extent and commencement **1.** (1) This Act may be called the West Punjab (Exchange of Prisoners) Act, 194 .

(2) It shall extend to the whole of West Punjab.

EXTRAORDINARY ISSUE

REGISTERED No. L 864

The
West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, MONDAY, DECEMBER 22, 1947

HOME DEPARTMENT

ELECTIONS

The 22nd December 1947

No. 1598—In exercise of the powers conferred by paragraph 2 of Part I of the Sixth Schedule to the Government of India Act, 1935, and paragraph 4 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, as adapted for the Dominion of Pakistan and of all other powers enabling him in this behalf, the Governor of West Punjab is pleased to direct that 22nd December 1947, shall be the prescribed date for the partial revision or amendment of the electoral roll for the Multan Division Landholders Constituency of the West Punjab Legislative Assembly.

No. 1599—In pursuance of sub-rule (1) of rule 41 of the Legislative Assembly Electoral Rules, 1936, Part B, Chapter VI as amended, the Governor of West Punjab is pleased to notify that applications for the amendment of electoral roll of the Multan Division Landholders Constituency may be presented to the appropriate Revising Authority by the 2nd January 1948, with reference to the prescribed date mentioned in West Punjab Government notification No. 1598, dated the 22nd December 1947.

H. A. MAJID

Chief Secretary to Government, West Punjab

EXTRAORDINARY ISSUE REGISTERED No. L 844

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, SATURDAY, DECEMBER 27, 1947

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 26th December 1947

No. 510-Leg.—The West Punjab (Exchange of Prisoners) Bill is hereby published for general information under the proviso to rule 83 of the Rules of Procedure of the Punjab Legislative Assembly :—

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1. (1) This Act may be called the West Punjab (Exchange of Prisoners) Act, 194 .

(2) It shall extend to the whole of West Punjab.

(3) It shall come into force at once.

Operation of Act

2. The provisions of this Act shall have force and operation notwithstanding anything contrary or repugnant thereto in any other law for the time being in force.

PART II

Of the transfer of prisoners

Power of Provincial Government to order removal of transferable prisoners

3. The Provincial Government may issue a warrant for the custody and removal of any transferable prisoner from any prison or other place of detention, and for his delivery at a place and to a person specified in the warrant ;

Provided that such person shall be an official of the Dominion of India or of the Government of East Punjab, who has been duly authorised in writing by name or designation of office, to receive such prisoner.

Officer in charge of prison or place of detention to deliver custody of transferable prisoner

4. Upon presentation of a warrant issued under section 3 the Officer in charge of the prison or other place of detention where the transferable prisoner named in the warrant is confined shall cause him to be delivered to the person to whom the warrant is directed together with the warrant of commitment, the history sheet and all other documents relating to him, and the personal effects taken from him at the time of his admission, and such person shall furnish to such officer in charge a written receipt in respect of such delivery.

Avoidance of jurisdiction of Courts and authorities over transferable prisoners

5. (1) Upon the delivery of custody of a transferable prisoner in compliance with a warrant issued under section 3 to the person, being an official of the Dominion of India or of the Government of East Punjab, specified therein, all Courts and authorities whatsoever in West Punjab shall cease to have and exercise jurisdiction in relation to such prisoner, in respect of the offence or other matter which was the cause of his confinement or detention in West Punjab.

(2) The Provincial Government may requisition the record of any proceedings (including judicial proceedings) relating to any transferable prisoner for whose removal a warrant has been issued under section 3, from any court or office where such record may be kept, and may direct that such record shall be delivered along with such prisoner to the person, being an official of the Dominion of India or of the Government of East Punjab, specified in the aforesaid warrant, or otherwise forwarded to an appropriate authority in the Dominion of India.

Examination of witnesses on commission

6. (1) If in relation to any criminal matter pending before a Court in the Dominion of India against any transferable prisoner who has been transferred to that Dominion under this Part, a letter of request issued by such Court is produced before the District Magistrate of any district in West Punjab for the examination of any witness residing in such district, the District Magistrate shall issue a commission for the purpose to any Magistrate subordinate to him.

(2) Such Magistrate shall summon and examine the witness in the presence of a duly authorised police or law officer of the Provincial Government and, so far as may be possible, an agent of the accused or of the Dominion of India or of the Government of East Punjab, and in respect of such examination, the Magistrate shall exercise all such powers as he possesses for the examination of witnesses in cases within his jurisdiction.

(3) When the commission has been duly executed, it shall be returned, together with the evidence taken under it to the District Magistrate, and the District Magistrate shall then transmit the papers so received along with the letter of request, to the issuing Court, through such channel as may be prescribed.

PART III

Of the repatriation of prisoners

Custody and removal of repatriated prisoners

7. (1) The Provincial Government or any District Magistrate, Additional District Magistrate or Sub-Divisional Magistrate specially authorised in this behalf by the Provincial Government may issue warrants for the custody and removal of repatriated prisoners.

(2) A warrant under subsection (1) may be directed to an official, by name or designation of office, and shall specify the place at which custody of the repatriated prisoner, together with any property and documents which may have been sent along with him shall be received, and the prison to which he is to be removed.

Delivery of repatriated prisoner at prison

8. Upon presentation of a warrant issued under section 7, the officer in charge of the prison specified therein shall receive such repatriated prisoner and any property and documents which may be produced along with him, and

Detention where warrant arrived with prisoner

(*a*) where a warrant, writ or order of commitment to any prison or place of detention in which he was held immediately before repatriation is produced along with such prisoner, shall detain him according to the exigency of such warrant, writ or order, subject to any warrant, writ or order which may be issued thereafter in respect of such prisoner by any Court or authority exercising jurisdiction under the provisions of this Part, and

Detention where no warrant received with prisoner

(*b*) where no warrant, writ or order of commitment is produced along with such prisoner, such officer in charge shall forthwith report the case, with all necessary details, to the District Magistrate and to the High Court, and shall in the mean time detain such prisoner.

Missing warrant to be reconstructed

9. (1) Upon receipt of a report under clause (*b*) of section 8, the District Magistrate shall, with all convenient speed, procure the records (including judicial records) relating to such prisoner, and after such enquiry as he deems necessary, shall determine the nature and term of the detention which such prisoner was undergoing immediately before his repatriation, and shall draw up a warrant accordingly, committing such prisoner to the prison where he is detained for the balance of such term, or until further orders are received from any Court or authority having jurisdiction in the case.

Report to High Court

(2) Such warrant of commitment shall be forwarded to the Officer in charge of the said prison, and the District Magistrate shall, at the same time, forward the original record, or a complete copy of his proceedings to the High Court.

Bail in case of delay

(3) If any enquiry under subsection (*1*) is prolonged beyond a period of two months from the date on which the repatriated prisoner was received at the prison, the District Magistrate shall release such prisoner on bail, unless he has reason to believe that such prisoner has been convicted of a prescribed offence and is undergoing a sentence of which the balance exceeds two years.

(4) The bail bond required under subsection (3) may be with or without sureties and shall be in such form as may be prescribed.

High Court's jurisdiction

10. The High Court shall have, in relation to a repatriated prisoner, the same jurisdiction which it has in relation to a person who has been arrested or detained within the limits of its appellate jurisdiction, in the same circumstances in which such prisoner was arrested or detained in the Dominion of India immediately before his repatriation.

Entrustment of cases to Courts subordinate to the High Court

11. (1) The Provincial Government may, in respect of any repatriated prisoner or any class or group of repatriated prisoners, by order specify the Court, other than the High Court, which shall have or exercise jurisdiction in any case or cases which may have been pending against such prisoner or prisoners, immediately before his or their repatriation.

Provided that such Court shall be a Court which would have had jurisdiction to enquire into or try such case or cases, if the offence or offences involved had been committed within its jurisdiction.

(2) On the making of an Order under subsection (1), every case mentioned in such order shall be deemed to have been transferred for disposal to the Court specified in such order, and such Court shall proceed to hear and decide such case according to law, as if the offence to which it relates had been committed within the local limits of its jurisdiction, and all the provisions of the Criminal Procedure Code (including the provisions relating to appeal and revision) and of all other laws in force in West Punjab shall apply to such proceedings.

India Act, V of 1898

Evidence already recorded to be evidence in the case

(3) In any proceedings under subsection (2), all evidence, both oral and documentary, which has been duly received in the earlier proceedings against the repatriated prisoner held prior to his repatriation may, if duly authenticated, be received as evidence, for the same purposes as it may have been received if it had been recorded by a Court exercising similar jurisdiction in the Dominion of Pakistan.

(4) Exhibits, depositions and copies thereof shall be deemed to be duly authenticated if they purport to be duly signed, verified or certified by a Judge or Magistrate having jurisdiction at the place where the earlier proceedings against the repatriated prisoner, prior to his repatriation, were held.

Treatment of prisoners who are repatriated while in police custody

12. (1) The Provincial Government may in respect of any repatriated prisoner, who, immediately before repatriation, was held under arrest or detention in police custody, during or after completion of a police investigation, specify a Magistrate of the first class who shall have and exercise jurisdiction.

(2) Every repatriated prisoner in respect of whom an order has been made under subsection (1) shall be produced without delay before the Magistrate specified in the order, and such Magistrate may take cognizance of any offence that such repatriated prisoner may be reported by a police officer to have committed, and may grant him bail.

(3) Where the repatriation was effected before completion of the police investigation, or the Magistrate is of the opinion that the evidence is deficient, the repatriated prisoner shall be released upon his entering into a bond, with or without sureties, as the Magistrate may direct, to appear if and when so required, and in the meantime, the Magistrate may order such further enquiry into the substance of the allegations as he thinks fit.

(4) In every case falling under subsection (3), the Magistrate may, if he is satisfied at any stage that there is no prospect of securing sufficient evidence to justify commencement of proceedings against the repatriated prisoner, direct that such prisoner be discharged from his bond.

Bar to proceedings

13. (1) No proceedings shall be taken against a repatriated prisoner unless the offence for which he has been arrested or detained is also an offence under the law in force in West Punjab.

Prior sanction for prosecution

(2) Where the offence charged against a repatriated prisoner is one for which a prosecution could not have been instituted in the Dominion of India or, if the offence had been committed in West Punjab, in any Court in

West Punjab, without the sanction of an authority specified by the relevant law, no prosecution shall be instituted against such prisoner, nor shall any proceedings be commenced or continued against him, without the sanction of the authority specified for the purpose by the law in force in West Punjab, or failing such authority, of the Provincial Government.

Power of Provincial Government in relation to prisoners detained for reasons of security

14. In relation to any repatriated prisoner whose detention immediately before his repatriation had been ordered under any law authorising preventive detention for reasons connected with public order, the Provincial Government shall have the same power in respect of extension or reduction of the term of detention as it possesses in relation to persons detained under section 3 of the Punjab Public Safety Act, 1947, as in force in West Punjab.

Power of Provincial Government to suspend, remit or commute sentences

15. The Provincial Government shall have the same power to suspend, remit or commute a sentence of punishment awarded to a repatriated prisoner, whether before or after his repatriation, as it possesses in relation to persons who have been sentenced in the Province for offences committed within the Province.

Power of Courts to grant bail

India Act, V of 1898

16. The High Court and every Court specified by the Provincial Government under section 11 shall have, in respect of any repatriated prisoner who is rendered subject to the jurisdiction of such Court under the provisions of this Part, the same power of granting bail under the Code of Criminal Procedure, as such Courts would have had if such prisoner had been arrested or detained in the first instance in West Punjab.

PART IV

General

Lawfulness of custody and retaking upon escape

17. It shall be lawful for any person to whom a warrant under section 3 or section 7 is directed to receive, hold in custody, convey and deliver the transferable or repatriated prisoner named in the warrant as directed therein, and if any such prisoner escapes out of any custody to which he may be delivered in pursuance of any such warrant, he may be retaken as a person accused or convicted of an offence against the law of West Punjab may be retaken upon an escape.

Power to make rules

18. (1) The Provincial Government may make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the power conferred by subsection (1), such rules may provide for the following matters, namely :—

(*a*) the channel through which communication and return of letters of request to District Magistrates under section 6 shall be effected ;

(*b*) the specification of offences for the purposes of subsection (3) of section 9 ; and

(*c*) any other matter which may or ought to be prescribed.

Definitions

19. In this Act, unless the subject or context otherwise requires—

(*a*) the expression "prison" includes a central, district or subsidiary jail, a judicial lock-up, a police lock-up, and every place which is used as a place of detention for persons who have been arrested or detained under any law for the time being in force ;

(*b*) the expression "prisoner" includes every person who is detained in a prison by order of a competent authority ;

(*c*) the expression "transferable prisoner" means any Hindu or Sikh who is in custody in any prison in West Punjab under lawful orders of a duly empowered Court or other authority, and who is willing to be transferred to the Dominion of India under the provisions of Part II ;

(*d*) the expression " repatriated prisoner " means a member of an of the classes specified in the first column of the Schedule who being in custody in a prison or other place of detention in a Province or State specified in the second column of the said Schedule is conveyed and delivered by a duly authorised official of the Dominion of India or the Government of East Punjab in compliance with the orders of such Government, to an official of West Punjab Government; and

(*e*) " prescribed " means prescribed by rules made under this Act.

Repeal and saving

West Punjab VIII of Ordinance 1947

20. The West Punjab (Exchange of Prisoners) Ordinance, 1947, is hereby repealed and any rules made, anything done and any action taken or purported to have been done or taken in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been made, done or taken, so far as may be, in exercise of powers conferred by or under this Act as if this Act had come into force on the 1st December 1947.

SCHEDULE

(SECTION 19)

Class	*Province or State*
Members of a Civil Service of the Crown in Pakistan.	All the Provinces of the Dominion of India and all States that have acceded to that Dominion.
Muslims ..	The Province of East Punjab, the States of Alwar and Bharatpur, and the States previously known as the Punjab States, excluding Malerkotla, Bahawalpur and Khairpur.

STATEMENT OF OBJECTS AND REASONS

The Communal disturbances which followed the partition of the Punjab Province were responsible for the voluntary exchange of population between the provinces of East and West Punjab. This created several administrative difficulties including the custody of prisoners and the trial of muslim accused of offences in East Punjab and of Hindu and Sikh accused of offences in West Punjab. In order to overcome these difficulties it was found necessary to promulgate the West Punjab (Exchange of Prisoners) Ordinance, 1947. Since this Ordinace is to expire after six weeks of the reassembly of the Legislature on the 5th January, 1948, opportunity is being taken of proposing this bill to keep alive the provisions of the said Ordinance.

MUMTAZ MOHAMMAD KHAN DAULTANA
Minister-in-charge

M. R. KAYANI
Secretary to Government, West Punjab
Legislative Department

The 26th December 1947

No. 511-Leg.—The West Punjab Urban Immovable Property Tax (Third Amendment) Bill is hereby published for general information under the proviso to rule 83 of the Rules of Procedure of the Punjab Legislative Assembly :—

A

BILL

further to amend the Punjab Urban Immovable Property Tax Act, 1940

WHEREAS it is necessary further to amend the Punjab Immovable Property Tax Act, 1940 ;

It is hereby enacted as follows :—

1. (1) This Act may be called the West Punjab Urban Immovable Property Tax (Third Amendment) Act, 194 .

(2) It shall extend to the whole of West Punjab.

(3) It shall be deemed to have taken effect as from the 13th day of January 1941.

Act XVII of 1940

2. Section 7(1) of the Punjab Urban Immovable Property Tax Act, 1940, is amended as follows :—

The semi-colon preceding the word " and" at the end of clause (a) of the proviso shall be substituted by a comma, and the following words inserted between the comma and the word "and" :—

"or, where a valuation list has been lost or destroyed by operation of circumstances beyond control, cancel the list, direct the preparation of a

new list and order recovery of pending tax to be made on the basis either of the last preceding valuation list or of the new list prepared under this proviso ; and"

Statement of Objects and Reasons

During the recent communal disturbances in West Punjab official records including those prepared under the Punjab Urban Immovable Property Tax Act, 1940 were destroyed in several places and with a view to properly enforce the provisions of the said Act relating to the assessment and recovery of taxes it became necessary to amend section 7 by an Ordinance called the West Punjab Urban Immovable Property Tax (Third Amendment) Ordinance, 1947. Since this Ordinance is to expire after six weeks of the reassembly of the Legislature on the 5th January, 1948, this bill is being proposed to keep alive the amendment effected by the said Ordinance.

MUMTAZ MOHAMMAD KHAN DAULTANA
Minister-in-charge

M. R. KAYANI
Secretary to Government, West Punjab
Legislative Department

The 26th December 1947

No. 512-Leg.—The West Punjab Social and Economic Rehabilitation Bill is hereby published for general information under the proviso to rule 83 of the Rules of Procedure of the Punjab Legislative Assembly :—

A

BILL

to provide for the settlement of refugees in West Punjab

Preamble

WHEREAS it is expedient to provide for the orderly settlement of persons who have taken refuge in the Province owing to disturbances in East Punjab and certain Indian States ;

It is hereby enacted as follows :—

Short title, extent and commencement

1. (1) This Act may be called the West Punjab Social and Economic Rehabilitation Act, 194 .

(2) It shall extend to the whole of West Punjab.

(3) It shall come into force at once.

Appointment of Rehabilitation, and Deputy and Assistant Rehabilitation Commissioners

2. For the purpose of carrying out the provisions of this Act the Provincial Government may, by notification in the Official Gazette, appoint one or more Rehabilitation Commissioners for the Province and Deputy and Assistant Rehabilitation Commissioners for such areas or purposes as may be specified in the notification.

Operation of other laws West Punjab Act of 194

3. (1) The provisions of this Act and the rules made thereunder shall have effect in addition to and not in derogation of the provisions of the West Punjab Protection of Evacuee Property Act, 194 but notwithstanding anything inconsistent therewith contained in any other enactment or in any instrument having effect by virtue of such other enactment.

(2) Every order purporting to be made or signed by a Rehabilitation Authority in exercise of any of the powers conferred by or under this Act, shall be presumed, within the meaning of the Indian Evidence Act, 1872, to have been so made by such Authority and no such order shall be called in question in any Court.

Powers and duties in general

4. Subject to the provisions of this Act, the powers and duties of the Rehabilitation Commissioner shall extend to the following matters, namely :—

(*a*) to repair the dislocation in the economic life of the Province caused by the abandonment of property and the partial or complete closing down of businesses and undertakings, on account of the absence of the owners or as the case may be, the tenants, employees or workmen from the Province owing to the late disturbances ; and

(*b*) to secure the orderly absorption of refugees into the economic structure of the Province.

Power to make orders

5. (1) A Rehabilitation Commissioner may make such general or special orders, not inconsistent with this Act, as he may consider necessary

for the proper discharge of his functions; provided that no order of a general nature shall be made without the previous approval of the Provincial Government.

(2) In particular and without prejudice to the generality of the powers conferred by the preceding subsection, a Rehabilitation Commissioner may—

West Punjab Act of 194 .

(a) subject to the provisions of sections 4, 5 and 6 of the West Punjab Protection of Evacuee Property Act, 194 , take over and assume control of any abandoned lands, buildings, businesses and undertakings and arrange for their occupation or operation, as the case may be, by a refugee or other suitable person;

(b) eject summarily in the prescribed manner any person in unauthorised possession of lands, buildings, businesses and undertakings taken over by him or any person who has been allotted such lands, buildings, businesses and undertakings, but who has failed to observe any of the conditions of the allotment or who has been subsequently found to be an unsuitable person in the opinion of the Rehabilitation Commissioner;

(c) grant temporary leases of abandoned agricultural holdings in his possession to refugees for a term not exceeding one year;

(d) permit the occupation of any abandoned building which he has taken over, by refugees or other persons;

(e) require the letting of storage and residential accommodation to refugees, or to any other person;

(f) requisition any movable property belonging to an evacuee;

(g) dispose of, subject to such directions as may be issued by the Custodian or by the Provincial Government, any movable property which forms part of the assets of a business or undertaking which has been taken over by the Rehabilitation Commissioner; and

(h) summon, by notice, any person who in his belief, possesses any relevant information or document concerning any evacuee property, to make and sign a statement or to produce such document and permit copies to be taken of any part thereof.

Allocation Tribunal

6. The Provincial Government may by notification in the Official Gazette set up an Allocation Tribunal consisting of such Rehabilitation Commissioners and other officers as may be specified in the notification and may invest it with all or any of the powers mentioned in section 5.

Special provision concerning leases

7. A lease granted by a Rehabilitation Authority shall take effect, according to its tenor, provided that such Authority shall not grant a lease of any immovable property, if in its opinion there exists in respect thereof a subsisting lease dating from before the 15th August 1947 and the lessee was not at any time an evacuee and is ready, able and willing to carry out the conditions thereof. A finding given by the Rehabilitation Authority under this section, that any lease alleged to be subsisting, does or does not subsist, shall be final subject to any decision given by a Custodian under section 8 or section 9 of the West Punjab Protection of Evacuee Property Act, 194 .

West Punjab Act of 194

Compensation for requisitioned movable property

8. Whenever any movable property is requisitioned under the provisions of this Act, the owner thereof shall be paid such compensation as shall be determined by agreement between the Rehabilitation Authority concerned and the Custodian.

Penalty for failure to comply with orders issued under this Act

9. Failure to comply with an order lawfully issued by any Rehabilitation Authority under the provisions of this Act shall be deemed to be a cognisable offence punishable with imprisonment of either description for a term which may extend to two years or with fine or with both.

Bar of suits

10. No suit, prosecution or other legal proceeding shall lie against the Provincial Government, any Rehabilitation Authority, or any person acting under their direction, for anything which is in good faith done or purported or intended to be done in pursuance of this Act or for any loss or damage caused to or in respect of any property taken over by any Rehabilitation Authority under this Act.

Jurisdiction of Civil Courts barred West Punjab Act of 194 .

11. (1) Subject to the provisions of section 17 of the Protection of Evacuee Property Act, 194, no order passed by a Rehabilitation Authority under this Act shall be called in question in any Civil Court, in any suit, appeal, execution, application or other proceeding.

(2) All lands, buildings, businesses or undertakings or any movable property found therein, which have been taken over by any Rehabilitation Authority under the provisions of this Act, shall be exempt from attachment or sale in execution of a decree of a Civil Court or in pursuance of an order issued by any Court.

(3) No Civil Court shall be competent to issue an injunction or other order in relation to any act done or intended to be done by a Rehabilitation Authority under the provisions of this Act.

Power to make rules

12. The Provincial Government may by notification in the Official Gazette make such rules as appear to it to be necessary for carrying out the provisions or purposes of this Act.

Definitions

13. In this Act, unless the context otherwise requires—

(*a*) "Person" includes a Corporation or association of persons whether incorporated or not;

West Punjab Act of 194 .

(*b*) "Evacuee" and "Evacuee Property" shall have the same meanings as have been assigned to these expressions by the West Punjab Protection of Evacuee Property Act, 194; and the expression "Abandoned" in any reference to lands, buildings, businesses and undertakings, shall be construed, so far as may be, in a similar sense as "Evacuee Property";

(*c*) "Rehabilitation Authority" means any officer or Tribunal empowered under the provisions of this Act;

(*d*) "Refugee" means a person who has taken refuge in the Province owing to disturbances in East Punjab or other prescribed territories;

(*e*) "Prescribed" means prescribed by rules framed under this Act;

West Punjab Act of 194 .

(*f*) "Custodian" means a Custodian appointed under the provision of the West Punjab Protection of Evacuee Property Acts 194 ;

(*g*) the expressions "Business" and "Undertaking" do not include any business in the nature of banking; and

(*h*) the expression "the Province" means the Province of West Punjab .

Repeal and saving West Punjab Ordinance IV of 1947

14. The West Punjab Economic Rehabilitation Ordinance, 1947, is hereby repealed and any rules made, anything done and any action taken or purported to have been done or taken in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been made, done or taken, so far as may be, in excercise of powers conferred by or under this Act as if this Act had come into force on the 9th September 1947.

STATEMENT OF OBJECTS AND REASONS

The unprecedented disturbances which preceded and succeeded the partition of the Punjab Province besides dislocating the economic and social life of West Punjab created a fresh problem of a gigantic nature in the matter of the resettlement of refugees, numbering several lakhs, from East Punjab. The Legislative Assembly not being then in Session, the Governor of West Punjab had to promulgate an Ordinance called the West Punjab Economic Rehabilitation Ordinance, 1947. This Ordinance is, under subsection (2) of section 88 of the Government of India Act, 1935, to expire after six weeks of the reassembly of the Legislature which is to meet on the 5th January 1948. Opportunity is being taken of enacting a law on the lines of the said Ordinance for which the necessity still exists.

IFTIKHAR HUSAIN KHAN
Premier

M. R. KAYANI

Secretary to Government, West Punjab

Legislative Department

The 26th December 1947

No. 513-Leg.—The West Punjab Protection of Evacuee Property Bill is hereby published for general information under the proviso to rule 83 of the Rules of Procedure of the Punjab Legislative Assembly :—

A

BILL

to provide for the protection and care of the property of evacuees from West Punjab

Preamble

WHEREAS it is expedient to make provision for the protection and care of the property of evacuees from West Punjab ;

It is hereby enacted as follows :—

Short title, extent and commencement

1. (1) This Act may be called the West Punjab Protection of Evacuee Property Act, 194 .

(2) It extends to the whole of West Punjab.

(3) It shall come into force at once.

Appointment of Custodian, Additional Custodian and Deputy and Assistant Custodians

2. (1) For the purpose of carrying out the provisions of this Act the Provincial Government may, by notification in the official gazette, appoint—

(*a*) a Custodian and an Additional Custodian of Evacuee Property for West Punjab generally ; and

(*b*) one or more Deputy Custodians and Assistant Custodians of evacuee property for such local areas as may be specified in the notification.

(2) In the succeeding sections of this Act unless the context otherwise requires, the expression "Custodian" means the custodian of evacuee property and includes an Additional Custodian, a Deputy Custodiar and an Assistant Custodian of evacuee property.

Operation of other laws

3. (1) The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith in any enactment other than this Act or in any instrument having effect by virtue of any such enactment.

(2) Every order purporting to be made or signed, by a Custodian in exercise of any of the powers conferred by or under this Act shall be presumed, within the meaning of the Indian Evidence Act, 1872, to have been so made by the Custodian and no such order shall be called in question in any Court.

Powers of Custodian to assume possession of Evacuee Property and vesting of such property in the Custodian

4. (1) Subject to the provisions of this Act a Custodian may by general or special Order, with reference to the location or description of a specific or any class of evacuee property, assume possession of or control over the property mentioned in the Order which shall be published in the official gazette. From the date of the Order, the holder of such property, if any, shall be deemed to be holding it on behalf of the Custodian and shall, on demand, surrender possession of it to the Custodian or a person authorised by him in this behalf. The Custodian may take such measures as he considers necessary or expedient for preserving or safeguarding such property.

(2) Any person complying with the order of the Custodian shall not be liable to any suit, criminal prosecution or other legal proceedings by reason only of such compliance.

(3) The Provincial Government may by order—

(*a*) vest or provide for and regulate the vesting in the prescribed Custodian such evacuee property as may be prescribed ;

(*b*) vest in the prescribed Custodian the right to pool together and to transfer such evacuee property as may be prescribed to refugees or other persons, resident in West Punjab and owning property in the prescribed territories, outside Pakistan, on such terms and conditions as may be prescribed.

(4) When, in pursuance of an order made under sub-rule (3) any evacuee property or the right to transfer such property is vested in a Custodian, neither the vesting nor any proceedings in consequence thereof shall be invalidated or affected by reason only that at a material time—

(*i*) some person who was or might have been interested in the property and who was an evacuee had died or had ceased to be an evacuee, or

(*ii*) some person who was so interested and who was believed by the Custodian to be an evacuee was not an evacuee.

Evacuee Property required or allotted by Rehabilitation Authority

5. (1) Whenever any Rehabilitation Authority requires any evacuee property for purposes of the West Punjab Social and Economic Rehabilitation Act, 194 , such Authority shall send a written intimation to that effect containing all available particulars of the property to the prescribed Custodian The property shall then be taken over by that Authority on such terms and conditions as may be agreed upon by the Custodian and that Authority.

(2) Persons who have been allotted any evacuee property by way of lease, by any Rehabilitation Authority, without compliance with the procedure laid down in subsection (1), shall be deemed to be tenants or lessees on such terms and conditions as may be agreed upon by the Custodian and the Rehabilitation Authority concerned and the said Authority shall be deemed to be a duly authorised agent of the Custodian for this purpose. It shall be the duty of such Rehabilitation Authority to furnish all available particulars of the allotted property and of the allottee, to the Custodian, immediately, or as soon as may be, after the allotment.

Persons in unauthorised possession of Evacuee property

6. (1) If any person is in unauthorised possession of any immovable evacuee property, a Custodian may, at his option, treat him either as a trespasser and eject him therefrom by serving on him an order to vacate the property in the prescribed manner or may treat him as a tenant of such property on such terms and conditions as may be agreed upon between him and the Custodian.

(2) If the unauthorised occupant, who is treated as a tenant by the Custodian, refuses or fails to pay the agreed rent by the agreed date or to comply with any other of the agreed terms and conditions, he may be ejected from the property as a trespasser in the manner provided in subsection (1).

(3) The powers conferred on the Custodian by subsections (1) and (2) may be delegated by him to any Rehabilitation Authority, by a general or special order, to be published in the official gazette, subject to such conditions as may be specified in the order.

Penalty for non-compliance with order of Custodian

7. Failure to comply with any order, issued lawfully by the Custodian or his delegate, shall be deemed to be a cognisable offence, punishable with imprisonment of either description for a term which may extend to two years or with fine or with both.

Claims by interested persons

8. (1) Subject to the other provisions of this Act any occupant or holder of evacuee property or any other person claiming an interest therein may, by petition to the prescribed Custodian, ask for a declaration—

(*a*) that the property in question is not evacuee property, or

(*b*) that it is evacuee property to a limited extent only.

(2) On receipt of such a petition, the Custodian may record such evidence as the petitioner can produce in support of his claim and may hold such further inquiry into the matter as he may deem fit. At the close of the inquiry, the Custodian may pass an order allowing the claim on such terms and conditions as he may deem just or rejecting it in whole or in part.

Transfers of Evacuee Property

9. No transfer of any rights, in or over any evacuee property, made by an evacuee, his agent, assign or attorney, on or after the 15th of August 1947, shall be effective so as to confer any rights or remedies on the parties to such transfer or any person claiming under them unless—

(*a*) such transfer is registered with the prescribed Custodian within the prescribed time,

(*b*) the consideration is paid in front of the Custodian or, in the case of exchanges or past transfers, the transaction is proved to be a *bona fide* one for valuable consideration to the satisfaction of the Custodian, and

(*c*) the transferer produces a certificate signed by the prescribed Income Tax Authority certifying that he has paid all taxes due from him to the Income Tax Department in respect of his property, business or undertaking or has made satisfactory arrangements for their payment;

Provided that the Custodian may refuse to register any transfer if, in his opinion, the transfer is one which is prejudicial to the prescribed objects.

Appeals

10. If an order ejecting a person is passed under section 6 or a final order is passed under section 7 or section 8 or section 9 by a Deputy

Custodian, an appeal shall lie at the instance of the aggrieved party to the Custodian of Evacuee Property, West Punjab, who may dispose of the appeal himself or make it over for disposal to the Additional Custodian. The appeal shall be filed in such manner and within such time as may be prescribed. Subject to the decision in such appeal, if any, an order passed by a Deputy Custodian and any original or appellate order passed by the Custodian of Evacuee Property, West Punjab, or the Additional Custodian shall be final and conclusive and shall not be called in question in any Court, by way of further appeal or revision or in any original suit, execution, application or other petition.

Jurisdiction of Civil Courts barred in certain matters

11. (1) No court shall entertain or adjudicate on a claim in any suit, appeal, execution application or other proceeding as to whether any property is or is not evacuee property or as to what interest, if any, an evacuee has in such property except in the case of a claimant who has been referred to the civil Court under section 17 of the Act for establishment of his title.

(2) No decision of any Court on a claim such as is referred to in sub-section (1), given between the 15th of August 1947 and the coming into force of this Act, shall be binding on the Custodian or shall affect the rights or interests of any evacuee in the property in question.

(3) All property of which the Custodian has assumed possession or control under section 4 of the Act, shall be exempt from attachment or sale in execution of a decree of a civil Court or in pursuance of an order issued by any Court.

(4) No Court shall be competent to issue an injunction or other order in relation to any act done or intended to be done by, or in relation to any proceedings pending before, a Custodian.

Custodian to have powers of Civil Court for certain proceedings

12. In relation to proceedings under this Act, involving the holding of an inquiry, the Custodian shall have all the powers of a civil Court in respect of the summoning and examination of parties, witnesses or other persons who, in the Custodian's belief, possess any relevant information or document, the discovery or production of documents and the use of such documents or their copies as evidence in the inquiry.

Powers of Custodian

13. The Custodian shall have power—

(a) to take all proper measures necessary for carrying out his duties under this Act, and to incur expenditure incidental thereto ;

(b) to grant a lease in the prescribed form for any period not exceeding one year at a time of any immovable property and any undertaking or business of which he has taken possession ; or which is ordered to vest in him ;

(c) to execute receipts for lease money paid by lessees appointed by him or who have attorned to him, and for any debts due to any evacuee whose property, undertaking or business is in his possession or control which may be paid to him by the debtor ;

(d) out of any money belonging to an evacuee in his possession or out of the income or proceeds of sale if necessary of evacuee property to pay—

(i) any taxes, duties, cesses, rates, which may be leviable by the Pakistan Dominion or the Provincial Government or any local authority in relation to any property, undertaking or business of such evacuee, in his possession or control and to defray the costs of necessary repairs to such property

(ii) sums due to a person having a claim against the person or property of an evacuee, if the claim does not involve any complicated question of law or fact or if the claim is based on a decree or order of a competent Court ;

(e) out of the money held by him on behalf of evacuees, to make payments to refugees or other prescribed persons in accordance with rules framed under this Act ;

(f) to sell or direct the sale of any livestock, standing crops or any property in his possession which is subject to speedy and natural decay, or whose sale would, in the opinion of the Custodian, be for the benefit of the evacuee owner ;

Provided that if any such property consists of foodgrains exceeding Rs. 100 in value, it shall be offered for sale in the first instance to the Director of Foodgrains, West Punjab ;

(*g*) when any immovable property belonging to an evacuee whether existing in a demolished state or standing wholly or partially intact, through imminent risk of collapse or for any other reason, is a source of danger to persons in the vicinity thereof, to have it demolished and the debris cleared and in such a case to direct the sale of the material or the property salvaged from the debris ;

(*h*) in so far as it may be necessary for carrying out any of the duties or exercising any of the powers imposed or conferred by or under this Act, to institute or defend, in his capacity as Custodian, any suit or legal proceedings in relation to any property, undertaking or business, in his possession or control or any property of which he is entitled, under this Act, to take possession ;

(*i*) to prepare a scheme for pooling together immovable property belonging to evacuees, for their transfer to refugees or other prescribed persons in case the Provincial Government passes a vesting order under subsection (3) of section 4 ;

(*j*) to enter on any land or premises for purposes of inspection of any evacuee property or for taking it into possession and to authorise any other person to do so ;

(*k*) to require any person to furnish the Custodian with such returns, accounts or other information in relation to evacuee property and to produce such documents as the Custodian considers necessary for the discharge of his functions under this Act ;

(*l*) in general to do such other acts as may be necessary for bringing the provisions of this Act into effective operation.

Provision regarding charge

14. If action is taken by the Custodian under clause (*g*) of section 13, the expenditure incurred in that behalf shall be a charge on the properties involved in such proportions as may be prescribed and shall have priority over all other charges. Such expenditure may be met or recouped by the Custodian out of the income or proceeds accruing from the properties concerned.

Persons making payment to Custodian to be discharged of liability

15. Persons who make payments to the Custodian of debts due to evacuees or of rents in respect of evacuee property, shall be discharged from all liability in respect of such debts or rents of such properties, to the extent of the payments made.

Levy of fees

16. The Provincial Government may levy fees in relation to any proceeding or inquiry held by a Custodian or in relation to any evacuee property of which the Custodian assumes control or possession or which may vest in him by order of the Provincial Government. Such fees shall be payable by persons at whose instance or in whose interest the proceeding or inquiry is held or as the case may be, by the persons to whom such property is restored or by the owner, if his whereabouts are known and shall be a just charge on such property and in default of payment shall be recoverable as an arrear of land revenue.

Restoration of property

17. Unless in the opinion of the Custodian, the restoration would be prejudicial to the prescribed objects the owner of any evacuee property shall be entitled to restoration thereof if he returns to West Punjab to resume his residence or business in this Province on application to the Custodian and on payment of such excess, if any, of expenditure over receipts in respect of such property, undertaking or business, as appears from the Custodian's account books, and of the fees leviable under section 16 :

Provided that the Custodian shall give not less than 15 days' public notice of every such application by proclamation in the locality, affixation on the property and any other method which he may consider suitable, and where the application is opposed, if the Custodian is not satisfied after necessary inquiry, concerning the title of the applicant, he shall refuse to deliver possession, and shall refer the applicant to a civil Court ;

Provided further that where the applicant claims as an heir to an evacuee owner, the Custodian may refuse to restore possession, unless the applicant produces a succession certificate or letters of administration or probate of a will from a competent Court ;

Provided further that every lease validly granted by the Custodian or any Rehabilitation Authority shall have effect as against the owner or any claimant, until determined by lapse of time or operation of law.

Accounts to be maintained

18. The Custodian shall keep such books of account as may be prescribed in respect of all evacuee property coming into his possession, giving the prescribed details of income accruing from or expenditure incurred in relation to such property. The books shall be subject to regular audit in the manner prescribed.

Bar of suits

19 No suit, prosecution or other legal proceeding shall lie against the Provincial Government or the Custodian or any person acting under his direction, for anything which is in good faith done or intended to be done in pursuance of this Act or for any loss or damage caused to or in respect of any property which may be ordered to vest in the Custodian or of which he has assumed control or possession.

Jurisdiction of Civil and Criminal Courts

20. Save as otherwise expressly provided by or under this Act, the ordinary criminal and civil Courts shall continue to exercise jurisdiction on matters within their competence.

Power to make rules

21. The Provincial Government may, by notification in the official gazette, make such rules as appear to it to be necessary for carrying out the provisions or purposes of this Act.

Definitions

22. In this Act unless the context otherwise requires—

(*a*) " Person " includes a corporation or association of persons, whether incorporated or not.

(*b*) " Prescribed " means prescribed by rules made under this Act.

(*c*) " Property " means all kinds of moveable or immovable property but does not include:—

(*i*) cash deposits in Banks ;

(*ii*) any actionable claims, otherwise than in relation to any undertaking or business of which the Custodian assumes possession or control ;

(*iii*) debts other than those towards which payment is tendered voluntarily by debtors.

(*d*) " Evacuee " means any person who has been or is absenting himself from West Punjab owing to the late disturbances or who is unable personally to occupy, supervise or take possession of his property in West Punjab or, in the case of a corporation, when business or undertaking has ceased to operate wholly or partially owing to the said disturbances or is being operated by an unauthorised person or an agent or manager appointed after the 15th of August 1947 and whose appointment has not been approved by the Custodian.

(*e*) " Evacuee Property " means the property of any evacuee in West Punjab.

(*f*) " Rehabilitation Authority " means any authority empowered under the West Punjab Social and Economic Rehabilitation Act, 194 .

(*g*) " Refugee " means any person who owns property in any prescribed territory outside Pakistan but who has been obliged to abandon it and come to West Punjab.

Repeal and saving

23. The West Punjab Protection of Evacuee Property Ordinance, 1947, is hereby repealed and any rules made, anything done and any action taken in exercise of any powers conferred by or under the said Ordinance shall be deemed to have been made, done or taken, so far as may be, in exercise of powers conferred by or under this Act as if this Act had come into force on the 9th September 1947.

STATEMENT OF OBJECTS AND REASONS

On account of the disturbances which followed the partition of the Punjab Province a large number of non-muslim residents of West Punjab having migrated to places outside the Province, it became necessary to preserve and manage the properties left by them. The Legislative Assembly not being then in Session, the Governor of West Punjab had to promulgate the West Punjab Protection of Evacuee Property Ordinance, 1947, under section 88 of the Government of India Act, 1935. This Ordinance is to expire after six weeks of the reassembly of the Legislature which is scheduled to meet on the 5th January 1948. Since the need for a law on the lines of the said Ordinance still exists opportunity is being taken of proposing this bill.

IFTIKHAR HUSAIN KHAN

PREMIER

M. R. KAYANI

Secretary to Government, West Punjab

Legislative Department

EXTRAORDINARY ISSUE

REGISTERED No. L 844

The West Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE, MONDAY, DECEMBER 29, 1947

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 29th December 1947

No. 515-Leg.—The West Punjab Eradication of Corruption Bill is hereby published for general information under the proviso to rule 83 of the Rules of Procedure of the Punjab Legislative Assembly :—

A

BILL

to eradicate corruption in West Punjab

Preamble

WHEREAS it is necessary to provide a speedier remedy for the eradication of corruption in West Punjab ;

It is hereby enacted as follows :—

Short title, extent and commencement

1. (1) This Act may be called the West Punjab Eradication of Corruption Act, 194 .

(2) It shall extend to the whole of West Punjab.

(3) It shall come into force at once.

Constitution of tribunal

2. The Government may by notification constitute for the purposes of this Act one or more tribunals.

Composition of the tribunal

3. A tribunal constituted under this Act shall consist of three members qualified under section 220 of the Government of India Act, 1935, for appointment as Judges of a High Court and one of them shall be appointed its President.

Enquiry into cases of corruption

4. Notwithstanding anything to the contrary contained in any law, rule or regulation for the time being in force, if five or more persons residing in West Punjab make an application to the Government in writing supported by an affidavit respecting the truth thereof accusing any public servant of corruption, the Government shall direct the tribunal to hold an enquiry into the same ;

Provided that the Government shall not be precluded from directing any such enquiry on a police report or otherwise.

Provided further that the tribunal may, if necessary, enlist the aid of the Police investigating agency for the purposes of the enquiry.

Conduct of Government prosecution

5. When Government shall think fit to conduct the prosecution, it shall nominate some person to conduct the same on its behalf.

Powers of the tribunal in certain matters

6. (1) The tribunal shall have the same power of punishing contempts and obstructions to its proceedings as is given to Civil and Criminal courts by the Code of Criminal Procedure, 1898, and shall have the same powers for the summoning of witnesses and for compelling the production of documents and for the discharge of its duties under this Act, and shall be entitled to the same protection as a District Court as defined in the Code of Civil Procedure, 1908, except that processes to cause the attendance of witnesses or other compulsory process issued by the Tribunal shall be served through and executed by the Senior Subordinate Judge within whose jurisdiction the witness or other personnel on whom the process is to be served, resides.

(2) Any person disobeying any lawful process issued as aforesaid by the tribunal shall be liable to the same penalties as if the process had been issued originally by the Court or other authority through whom it is executed.

Certain procedural provisions

7. The provisions of sections 10 to 16 and 18 to 20 of the Public Servants (Inquiries) Act (No. XXXVII) of 1850, in so far as the same may be applicable, shall apply to the proceedings of the tribunal, as if it were a Board appointed under the said Act ;

Provided that such of the provisions of the said sections as make it incumbent on the Board to adjourn proceedings shall not be binding on the tribunal, which shall be competent to disregard the same if it is of opinion that it is necessary to do so.

Provided further that the tribunal may refuse to summon any witness if satisfied for reasons to be recorded that the evidence of such witness is not material.

Power of the tribunal to award punishment, etc.

8. Notwithstanding anything to the contrary contained in any law, rule or regulation for the time being in force, the tribunal if satisfied of the guilt of the public servant complained against shall have power to try him for such offence or offences, as in the opinion of the tribunal he may have committed, and for this purpose, the tribunal shall be considered as a criminal court constituted lawfully under the Criminal Procedure Code, 1898.

Offences to be triable summarily and the punishment of whipping to be permissible

9. Notwithstanding anything to the contrary in the Code of Criminal Procedure, 1898, or the Whipping Act, 1909, or any other law for the time being in force, an offence for which any person is to be tried under section 7 shall be triable summarily and, in addition to any punishment which may be awarded under the Indian Penal Code, the Court may impose the punishment of whipping.

Action against false and malicious complaints

10. (1) If any allegation of corruption against a public servant is, after enquiry, found by the tribunal to be incorrect and the tribunal is of the opinion that the allegation was maliciously made, it shall be competent to call upon the person making the allegation to show cause why he should not be punished by it under sections 193 and 211 of the Indian Penal Code 1860.

(2) For the purpose of this section the tribunal shall after service of notice on the person concerned proceed as a criminal court exercising the powers of a Magistrate of the first class under the Code of Criminal Procedure, 1898 and shall follow the procedure prescribed under the said Code for the trial of summons cases by Magistrates. Provided that the tribunal may for reasons to be recorded refuse to summon any witness if it is satisfied that the evidence of such witness is not material, and shall not be bound to adjourn the trial for any purpose unless such adjournment is in its opinion necessary in the interests of justice.

Special procedural provisions

11. A tribunal shall not merely by reason of a change in its members be bound to recall and rehear any witness who had given evidence or to reopen proceedings already held and it may act on the evidence already produced or recorded and the proceedings already held by it. The trial shall not be stayed merely because a member of the tribunal has become incapable of attending the court on a particular date or dates ; provided there are at least two members of the said tribunal present to hear the case.

Bar to appeal and certain other jurisdictions

12. There shall be no appeal from any order or sentence of a tribunal and no court shall have authority to transfer any case from a tribunal or to make any order with regard to the proceedings held or orders passed by it.

13. (1) The Government may, at its discretion, withdraw a case from a tribunal or transfer it for enquiry to another tribunal.

(2) Subject to any order which the Government may make under subsection (1) an order made by the tribunal shall be final.

Special rules of evidence

14. (1) Where under section 8 any person is charged with an offence punishable under section 161 or section 165 of the Indian Penal Code (XLV of 1860) the fact that such person is in possession, for which he cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income, or that such person has at or about the time of the offence with which he is charged obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, may be proved and may be taken into consideration by the court as a relevant fact in deciding whether he is or is not guilty of the particular offence with which he is charged.

(2) Where in any trial contemplated by subsection (1) it is presumed that any accused person has accepted or obtained or has agreed to accept or attempted to obtain for himself or for any other person any gratification

(other than legal remuneration) or any valuable thing from a person or the agent of a person seeking to obtain any facility from the Central or Provincial Government or Department or any such Government or local authority or from any person acting on behalf of such Government or Department or authority it shall be presumed unless the contrary is proved that he accepted or obtained or agreed to accept or attempted to obtain that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in section 161 or as the case may be without consideration or for a consideration which he knows to be inadequate.

Special provisions regarding punishment of offences under section 161, Indian Penal Code.

15. When any person is found guilty of offence under section 161 or 165, Indian Penal Code, 1860, the tribunal shall notwithstanding anything to the contrary contained in the said Code whether or not it imposes a sentence of imprisonment, impose a sentence of fine which shall not be less in amount than the amount or value of any gratification or valuable thing found to have been accepted or obtained by the offender in contravention of the provisions of the said Code.

Rules

16. (1) Government may frame rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for any of the following matters, namely :—

(*a*) the place of sitting of the tribunal;

(*b*) the form in which complaints are to be made;

(*c*) the manner in which the record of the proceedings of the tribunal is to be prepared and maintained;

(*d*) the manner in which cases are to be transferred from one tribunal to another;

Definition

17. In this Act unless there is anything repugnant in the subject or context—

(*a*) "Corruption" means any conduct as is covered by section 161 or 166, Indian Penal Code, 1860, or covered by any other section of the Indian Penal Code and includes any intentional disregard for any consideration whatsoever, of the general principles of justice and fairplay in discharging duties assigned by law to any public servant or the neglect without sufficient cause of any such duty;

(*b*) "Government" means the Provincial Government of West Punjab,

(*c*) "Public servant" means a public servant as defined in section 21, Indian Penal Code, 1860, and includes any person not in the regular service of the Government whether in receipt of any remuneration or not to whom any duties have been assigned by Government in connection with the affairs of the West Punjab Province; and

(*d*) "Tribunal" means a tribunal constituted under this Act.

STATEMENT OF OBJECTS AND REASONS

The cry is that public servants are corrupt, and the cry is sincere.

The existing machinery for the eradication of corruption consists of (1) the general provisions of the Indian Penal Code, 1860 (2) the Public Servants (Inquiries) Act, 1850 and (3) the Prevention of Corruption Act, 1947.

Proceedings under the Indian Penal Code are generally dilatory, and provide loopholes through which a corrupt officer can escape. Thus even where an officer had accumulated wealth or goods beyond his ostensible means, there was no remedy against him in the absence of direct evidence of corruption. The Prevention of Corruption Act, 1947, remedies this defect, but in the matter of procedure even that Act is dilatory. The Third existing provision, namely, the Public Servants (Inquiries) Act, 1850, does not provide for criminal trials and, further, applies only to officers who are removable by Government.

In order to provide a speedier and more drastic remedy, and to wipe out corruption as far as it lies in the power of Government, consistent with the due observance of the principles of equity and justice, it is proposed to introduce this new measure.

IFTIKHAR HUSAIN KHAN
Premier

M. R. KAYANI
Secretary to Government, West Punjab
Legislative Department

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 29th December 1947

No. 514-Leg.—The West Punjab Muslim Personal Law (Shariat) Application Bill is hereby published for general information under the proviso to rule 83 of the Rules of Procedure of the Punjab Legislative Assembly :—

A

BILL

to provide for the application of the Muslim Personal Law (Shariat) to Muslims in West Punjab in certain respects.

Preamble

WHEREAS it is expedient to make provision for the application in certain respects of the Muslim Personal Law (Shariat) to Muslims in West Punjab ;

Short title, extent and commencement

1. It is hereby enacted as follows :—

(1) This Act may be called the West Punjab Muslim Personal Law (Shariat) Application Act, 194 .

(2) It extends to the whole of West Punjab.

(3) It shall come into force at once.

Decision in certain cases to be according to Muslim Personal Law

2. Notwithstanding any custom or usage to the contrary, in all questions regarding succession, special property of females including personal property inherited or obtained under contract or gift or any other provision of Personal Law, betrothal, marriage, dower, dissolution of marriage (including Talaq, Ila, Zihar, Lian, Khula and Mubaraat), maintenance, guardianship, minority, bastardy, family relations, gifts, wills, legacies, trusts, trust properties and wakfs, the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (Shariat).

Certain cases of past succession

3. In respect of immovable property held by a female as a life estate, succession shall be deemed to open out on the death of the female to all persons who would, under the personal law of the last male holder, be entitled to inherit the same.

Repeal of section 5 of the Punjab Laws Act for certain purposes

4. With effect from the date on which this Act comes into operation, so much of the provisions contained in section 5 of the Punjab Laws Act, 1872, as conflict with the present Act shall be deemed to have been repealed.

Dissolution of marriage

5. In relation to the dissolution of marriages between Muslim parties, the provisions of the Dissolution of Marriages Act, 1939, shall apply as if those provisions had been enacted by this Act.

6. This Act shall have no retrospective operation.

STATEMENT OF OBJECTS AND REASONS

The Muslim Personal Law (Shariat) Application Act (Indian Act No. XXVI of 1937) leaves out agricultural land and thus deprives the entire agricultural community of the benefit of Shariat. It also does not apply to cases of adoption, wills and legacies except through a process of declaration in a prescribed form. The North-West Frontier Province has been enjoying personal law for some years now, with satisfactory results. The present Act is intended to be an improvement both on the Indian Act and the North-West Frontier Province Act.

IFTIKHAR HUSAIN KHAN
Premier

M. R. KAYANI
Secretary to Government, West Punjab
Legislative Department

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DEPARTMENT OF CIVIL SUPPLIES

MONOPOLY PROCUREMENT

NOTIFICATION

The 30th December 1947

No. 1854-MP-47/2324—In exercise of the powers ferred by section 18 of the Punjab Trade Em- yees Act, 1940, the Governor of the West Punjab pleased to exempt all Mills in the West Punjab ch are actually engaged in husking paddy from operation of the provisions of sections 6, 7 and of the said Act, up to the 31st March 1948, ject to the following conditions :—

(1) that the persons employed on their weekly idays shall be paid at double the rate of their mal wages calculated by the hour ;

(2) that the persons employed overtime shall be paid remuneration in respect of the period for which they are employed overtime at twice the rate of their normal wages calculated by the hour.

No. 1854-MP-47/2328—In exercise of the powers conferred by section 8 of the Factories Act, 1934, the Governor of the West Punjab is pleased to exempt all factories in the West Punjab which are actually engaged in husking paddy from the provisions of sections 34, 35, 36, 37 and 38 of the said Act up to the 31st March 1948, subject to the condition that overtime wages shall be paid to the workers concerned at the rate prescribed in section 47 of the Act.

S. M. HASSAN

Secretary to Government, West Punjab,
Industries and Reconstruction Departments

1777 CS—1047—30-12-47—SGPWP Lahore